THE ALL ENGLAND LAW REPORTS

Tables and Index 1983

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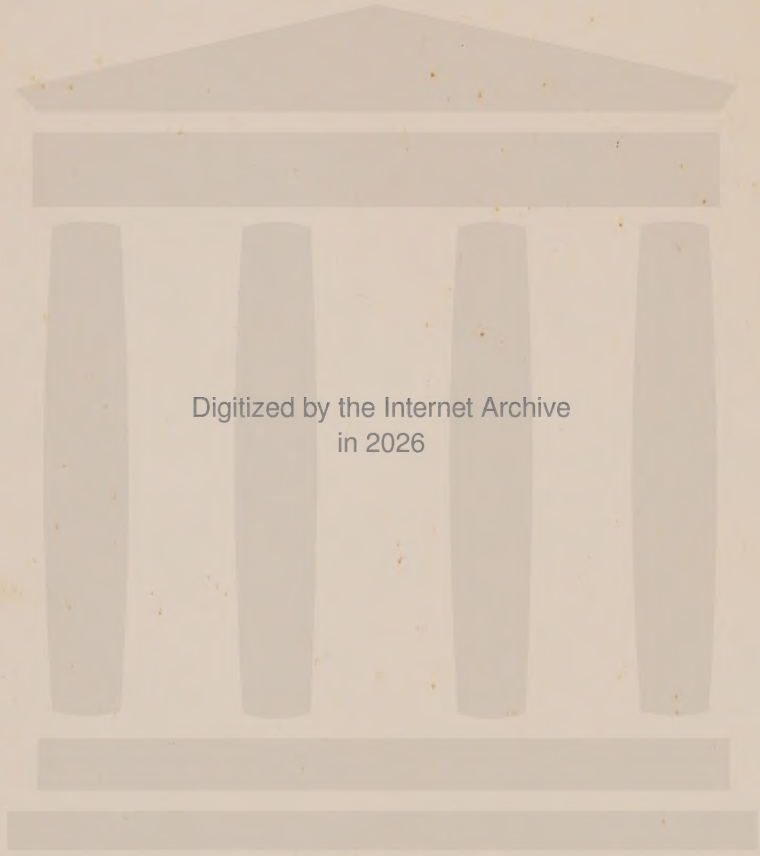

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THE ALL ENGLAND LAW REPORTS

Tables and Index 1983

Cases reported and considered
Practice directions and notes
Statutes considered
Words and phrases considered
Subject index

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Introduction

The Tables and Index 1983 covers all the cases reported in the three volumes of the All England Law Reports for 1983.

The tables and index consists of five sections:

- a table of cases reported and judicially considered; this table lists alphabetically all cases reported in the All England Law Reports in 1983, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, ie applied, distinguished, overruled and so on, in cases reported during 1983
- a table of practice directions and notes issued in 1983
- a table of statutes judicially considered in 1983
- a table of words and phrases judicially considered in 1983
- a subject index, including a full system of cross-references, of all cases reported in 1983.

The Tables and Index 1983, when used in conjunction with the three volumes of the Consolidated Tables and Index 1936–1981 and the Tables and Index 1982, provides a complete index of cases reported in the All England Law Reports from 1936 to the end of 1983.

The index is separate from the 1983 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

BUTTERWORTH LAW PUBLISHERS LTD

December 1983

CASES REPORTED AND CONSIDERED

A

A v C [1980] 2 347, QBD
Distinguished, PCW (Underwriting Agencies) Ltd v Dixon [1983] 2 158
A v C (No 2) [1981] 2 126, QBD
Distinguished, Oceanica Castelana Armadora SA v Mineralimportexport (Barclays Bank International Ltd intervening) [1983] 2 65
Distinguished, PCW (Underwriting Agencies) Ltd v Dixon [1983] 2 158
A v Liverpool City Council [1981] 2 385, HL
Dictum applied, Re C (a minor) (wardship : care order) [1983] 1 219
A-G, Joseph Rowntree Memorial Trust Housing Association Ltd v. *See* Joseph Rowntree Memorial Trust Housing Association Ltd v A-G
A-G ex rel Tilley v London Borough of Wandsworth [1981] 1 1162, ChD & CA
Dictum applied, R v Secretary of State for the Environment, ex p Brent London BC [1983] 3 321
A-G of Hong Kong v Ng Yuen Shiu [1983] 2 346, PC
A-G of New Zealand v Ortiz [1982] 3 432, QBD
Affirmed [1983] 2 93, HL
A-G's Reference (No 1 of 1982) [1983] 2 721, CA
A M & S Europe Ltd v Commission of the European Communities [1983] 1 705, CJEC
Abadesa, The [1968] 2 726, Adm
Applied, Polish Steam Ship Co v Atlantic Maritime Co [1983] 2 532
Abadom, R v. *See* R v Abadom
Abidin Daver, The [1983] 3 46, CA
Abrahams' Will Trusts, Re [1967] 2 1175, ChD
Dictum applied, Turner v Turner [1983] 2 745
Acrecrest Ltd v W S Hattrell & Partners (a firm) [1983] 1 17, CA
Distinguished, Governors of the Peabody Donation Fund v Sir Lindsay Parkinson & Co Ltd [1983] 3 417
Adamastos Shipping Co Ltd v Anglo-Saxon Petroleum Co Ltd [1957] 1 673, QBD
Reversed [1957] 2 311, CA
Reversed [1958] 1 725, HL
Followed, Seven Seas Transportation Ltd v Pacifico Union Marina Corp [1983] 1 672
Adams v London Improved Motor Coach Builders Ltd [1920] 340, CA
Applied, R v Miller (Raymond) [1983] 3 186
Adsett v West [1983] 2 985, QBD
Afovos, The. *See* Afovos Shipping Co SA v Pagnan
Afovos Shipping Co SA v Pagnan [1982] 3 18, CA
Affirmed [1983] 1 449, HL
Agritraders Ltd, R v. *See* R v Agritraders Ltd
Ailsa Craig Fishing Co Ltd v Malvern Fishing Co Ltd [1983] 1 101, HL
Applied, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] 2 737
Followed, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] 1 108
Air Canada v Secretary of State for Trade (No 2) [1983] 1 161, QBD & CA
Affirmed [1983] 1 910, HL
Air Express International Corp, Data Card Corp v. *See* Data Card Corp v Air Express International Corp
Al Wahab, The. *See* Amin Rasheed Shipping Corp v Kuwait Insurance Co
Albert v Lavin [1981] 1 628, QBD
Affirmed on other grounds [1981] 3 879, HL
Dictum doubted, R v Kimber [1983] 3 316
Alec Lobb (Garages) Ltd v Total Oil GB Ltd [1983] 1 944, ChD
Ali (orse Ebrahim), Ebrahim v (Queen's Proctor intervening). *See* Ebrahim v Ali (orse Ebrahim) (Queen's Proctor intervening)
Allcard v Skinner [1886-90] 90, CA
Dictum applied, National Westminster Bank plc v Morgan [1983] 3 85

Allen v Gulf Oil Refining Ltd [1979] 3 1008, CA
Reversed [1981] 1 353, HL
Dictum followed, Tate & Lyle Industries Ltd v Greater London Council [1983] 1 1159
Allied Marine Transport Ltd v Vale do Rio Doce Navegacao SA [1983] 3 737, QBD
Aluminium Industrie Vassen BV v Romalpa Aluminium Ltd [1976] 2 552, QBD and CA
Considered, Re Peachdart Ltd [1983] 3 204
Amalgamated Investment & Property Co Ltd (in liq) v Texas Commerce International Bank Ltd [1981] 1 923, QBD
Affirmed on other grounds [1981] 3 577, CA
Considered, Avon CC v Howlett [1983] 1 1073
Amand v Secretary of State for Home Affairs [1942] 1 236, KBD
Affirmed [1942] 1 480, CA
Affirmed [1942] 2 381, HL
Considered, R v Stipendiary Magistrate at Lambeth, ex p McComb [1983] 1 321
American Cyanamid Co v Ethicon Ltd [1975] 1 504, HL
Applied, X AG v A bank [1983] 2 464
Applied, Garden Cottage Foods Ltd v Milk Marketing Board [1983] 2 770
American Express Co v British Airways Board [1983] 1 557, QBD
American Greetings Corp's Application, Re [1983] 2 609, ChD & CA
Amey, R v. *See* R v Amey
Amherst v James Walker Goldsmith & Silversmith Ltd [1983] 2 1067, CA
Amin v Entry Clearance Officer, Bombay [1980] 2 837, QBD
Affirmed [1983] 2 864, CA & HL
Amin Rasheed Shipping Corp v Kuwait Insurance Co [1983] 1 873, CA
Affirmed [1983] 2 884, HL
Amoco Australia Pty Ltd v Rocca Bros Motor Engineering Co Pty Ltd [1975] 1 968, PC
Distinguished, Alec Lobb (Garages) Ltd v Total Oil GB Ltd [1983] 1 944
Anderson Strathclyde plc, ex p, R v Secretary of State for Trade. *See* R v Secretary of State for Trade, ex p Anderson Strathclyde plc
Anderton v Burnside. *See* R v Morris
André & Cie SA v Marine Transocean Ltd [1981] 2 993, CA
Considered, Paal Wilson & Co A/S v Partenreederei Hannah Blumenthal [1983] 1 34
Considered, Allied Marine Transport Ltd v Vale do Rio Doce Navegacao SA [1983] 3 737
Andreas Lemos, The. *See* Athens Maritime Enterprises Corp v Hellenic Mutual War Risks Association (Bermuda) Ltd
Anglia Television Ltd v Reed [1971] 3 690, CA
Distinguished, C & P Haulage (a firm) v Middleton [1983] 3 94
Anns v London Borough of Merton [1977] 2 492, HL
Applied, Fellowes v Rother DC [1983] 1 513
Dicta explained, Acrecrest Ltd v W S Hattrell & Partners (a firm) [1983] 1 17
Dictum applied, P Perl (Exporters) Ltd v Camden London BC [1983] 3 161
Distinguished, Governors of the Peabody Donation Fund v Sir Lindsay Parkinson & Co Ltd [1983] 3 417
Antaios, The. *See* Antaios Cia Naviera SA v Salen Rederierna AB
Antaios Cia Naviera SA v Salen Rederierna AB [1983] 3 777, CA
ApS Samex (Hanil Synthetic Fiber Industrial Co Ltd, third party), Customs and Excise Comrs v. *See* Customs and Excise Comrs v ApS Samex (Hanil Synthetic Fiber Industrial Co Ltd, third party)
Arabian Gulf Petroleum Co, Coupland v. *See* Coupland v Arabian Gulf Petroleum Co
Ardtran International Ltd, Worldwide Carriers Ltd v. *See* Worldwide Carriers Ltd v Ardtran International Ltd
AS, ex p, R v Immigration Appeal Tribunal. *See* R v Immigration Appeal Tribunal, ex p AS
Ashcroft v Mersey Regional Health Authority [1983] 2 245, QBD
Ashton, British Airports Authority v. *See* British Airports Authority v Ashton
Associated Provincial Picture Houses Ltd v Wednesbury Corp [1947] 1 498, KBD
Affirmed [1947] 2 680, CA
Applied, Pickwell v Camden London BC [1983] 1 602
Applied, R v Boundary Commission for England, ex p Foot [1983] 1 1099
Applied, R v Secretary of State for Trade, ex p Anderson Strathclyde plc [1983] 2 233
Applied, R v London Transport Executive, ex p Greater London Council [1983] 2 262
Applied, R v Immigration Appeal Tribunal, ex p Bastiampillai [1983] 2 844
Association of Professional, Executive, Clerical and Computer Staff, Cheall v. *See* Cheall v Association of Professional, Executive, Clerical and Computer Staff
Astro Exito Navegacion SA v Southland Enterprise Co Ltd (Chase Manhattan Bank NA intervening) [1982] 3 335, CA
Affirmed [1983] 2 725, HL
Astro Valiente Compania Naviera SA v Pakistan Ministry of Food and Agriculture (No 2) [1982] 1 823, QBD
Disapproved, Skips A/S Nordheim v Syrian Petroleum Co Ltd [1983] 3 645
Not followed, Skips A/S Nordheim v Syrian Petroleum Co Ltd [1983] 2 375
Athanasiou (trading as Alpha Alpha Electrical Contractors), Greek City Co Ltd v. *See* Greek City Co Ltd v Demetriou (trading as Spectron Electronics)
Athens Maritime Enterprises Corp v Hellenic Mutual War Risks Association (Bermuda) Ltd [1983] 1 590, QBD
Atlantic Maritime Co, Polish Steam Ship Co v. *See* Polish Steam Ship Co v Atlantic Maritime Co
Atlantic Shipping and Trading Co v Louis Dreyfus & Co [1922] 559, HL
Explained, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] 1 108
Austin v Hart [1983] 2 341, PC
Avon CC v Howlett [1983] 1 1073, CA

B

B & Q (Retail) Ltd, Stoke-on-Trent City Council v. *See* Stoke-on-Trent City Council v B & Q (Retail) Ltd
Babanaft International Co SA v Avant Petroleum Inc [1982] 3 244, CA
Distinguished, Jedranska Slobodna Plovidba v Oleagine SA [1983] 3 602
Backer v Secretary of State for the Environment [1983] 2 1021, QBD
Bailey v Bailey [1983] 3 495, CA
Bailey, R v. *See* R v Bailey

Bakeaway Ltd, Neumann v (Ghotli, claimant). *See* Neumann v Bakeaway Ltd (Ghotli, claimant)
Baker, ex p, R v Edmonton Licensing Justices. *See* R v Edmonton Licensing Justices, ex p Baker
Baldwin & Francis v Patents Appeal Tribunal [1958] 2 368, CA
Affirmed [1959] 2 433, HL
Considered, R v Cripps, ex p Muldoon [1983] 3 72
Banco de Portugal v Waterlow & Sons Ltd [1932] 181, HL
Applied, London and South of England Building Society v Stone [1983] 3 105
Banhams Patent Locks Ltd, Dove v. *See* Dove v Banhams Patent Locks Ltd
Bank, a, X AG v. *See* X AG v A bank
Bank Mellat v Helliniki Techniki SA [1983] 3 428, CA
Banque de l'Indochine et de Suez SA v J H Rayner (Mincing Lane) Ltd [1983] 1 468, QBD
Affirmed on other grounds [1983] 1 1137, CA
Bard, Eton College v. *See* Eton College v Bard
Barnet London Borough Council, R v, ex p Shah v. *See* Shah v Barnet London Borough Council
Baron v Sunderland Corp [1966] 1 349, CA
Considered, Westfal-Larsen & Co A/S v Ikerigi Compania Naviera SA [1983] 1 382
Barras v Aberdeen Steam Trawling and Fishing Co Ltd [1933] 52, HL
Criticised, R v Chard [1983] 3 637
Barrell Enterprises, Re [1972] 3 631, CA
Applied, Enfield London Borough Council v Mahoney [1983] 2 901
Bartenstein, The. *See* Damon Cia Naviera SA v Hapag-Lloyd International SA
Bassett v Bassett [1975] 1 513, CA
Followed, Richards v Richards [1983] 1 1017
Bastiampillai, ex p, R v Immigration Appeal Tribunal. *See* R v Immigration Appeal Tribunal, ex p Bastiampillai
Basu (Dept for National Savings, garnishee), Brooks Associates Inc v. *See* Brooks Associates Inc v Basu (Dept for National Savings, garnishee)
Batchelor v Batchelor [1983] 3 618, FamD
Bater v Bater [1950] 2 458, CA
Applied, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Bates (Thomas) & Son Ltd v Wyndham's (Lingerie) Ltd [1981] 1 1077, CA
Applied, Lear v Blizzard [1983] 3 662
Considered, Lear v Blizzard [1983] 3 662
Baxter v Gapp (F W) & Co Ltd [1938] 4 457, KBD
Affirmed [1939] 2 752, CA
Applied, London and South of England Building Society v Stone [1983] 3 105
BBC, R v, ex p Lavelle. *See* R v BBC, ex p Lavelle
Bedson v Bedson [1965] 3 307, QBD
Considered, Harris v Goddard [1983] 3 242
Beer v Bowden [1981] 1 1070, CA
Considered, Lear v Blizzard [1983] 3 662
Beldis, The [1935] 760, CA
Dicta not followed, The St Anna [1983] 2 691
Bell v Lever Bros Ltd [1931] 1, HL
Considered, Sybron Corp v Rochem Ltd [1983] 2 707
Distinguished, Sybron Corp v Rochem Ltd [1983] 2 707
Bell, R v. *See* R v Bell
Bell (C) (Tadworth) Ltd, Epsom and Ewell BC v. *See* Epsom and Ewell BC v C Bell (Tadworth) Ltd
Bellerby v Carle [1983] 1 1031, HL
Belvoir Finance Co Ltd v Stapleton [1970] 3 664, CA
Distinguished, Chubb Cash Ltd v John Crilley & Son (a firm) [1983] 2 294
Bergin v Bergin [1983] 1 905, FamD
Berkeley, Re [1944] 2 395, CA
Applied, Carson v Carson [1983] 1 478
Berkeley Securities (Property) Ltd, Re [1980] 3 513, ChD
Not followed, Re Islington Metal and Plating Works Ltd [1983] 3 218
Bernard v Josephs [1982] 3 162, CA
Dictum applied, Gordon v Douce [1983] 2 228
Bernard Kenny Ltd (in liq), Roberts Petroleum Ltd v. *See* Roberts Petroleum Ltd v Bernard Kenny Ltd (in liq)
Berstein v Jackson [1982] 2 806, CA
Considered, Batchelor v Batchelor [1983] 3 618
Betts, ex p, R v Eastleigh BC. *See* Eastleigh BC v Betts
Betts, Eastleigh BC v. *See* Eastleigh BC v Betts
Bickett v Morris [1861-73] 778, HL
Considered, Tate & Lyle Industries Ltd v Greater London Council [1983] 1 1159
Birch, Broxtowe BC v. *See* Broxtowe BC v Birch
Birkenstein, The. *See* Damon Cia Naviera SA v Hapag-Lloyd International SA
Birkett v Hayes [1982] 2 710, CA
Approved, Wright v British Rlys Board [1983] 2 698
Birkett v James [1977] 2 801, HL
Applied, Greek City Co Ltd v Demetriou (trading as Spectron Electronics) [1983] 2 921
Applied, Bailey v Bailey [1983] 3 495
Birmingham City DC v O [1982] 2 356, CA
Reversed [1983] 1 497, HL
Birmingham Justices, R v, ex p Lamb. *See* R v Birmingham Justices, ex p Lamb
Blackshaw v Lord [1983] 2 311, CA
Blackstone (David) Ltd v Burnetts (West End) Ltd [1973] 3 782, QBD
Distinguished, Trustees of Henry Smith's Charity v Willson [1983] 1 73
Bland v Chief Supplementary Benefit Officer [1983] 1 537, CA
Blankenstein, The. *See* Damon Cia Naviera SA v Hapag-Lloyd International SA
Blizzard, Lear v. *See* Lear v Blizzard
Bloomsbury Area Health Authority, Udale v. *See* Udale v Bloomsbury Area Health Authority

Blyth v Blyth [1965] 2 817, CA
Affirmed in part: reversed in part [1966] 1 524, HL
Applied, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Disapproved, R v Ewing [1983] 2 645
Board of Trade v Owen [1956] 3 432, CCA
Affirmed [1957] 1 411, HL
Dictum considered, A-G's Reference (No 1 of 1982) [1983] 2 721
Boardman v Phipps [1964] 2 187, ChD
Affirmed [1965] 1 849, CA
Affirmed [1966] 3 721, HL
Dictum applied, Fraser v Thames Television Ltd [1983] 2 101
Boardwell, Newland v. *See* Newland v Boardwell
Bolam v Friern Hospital Management Committee [1957] 2 118, QBD
Applied, Clark v MacLannan [1983] 1 416
Applied, Hills v Potter [1983] 3 716
Bond v Chief Constable of Kent [1983] 1 456, QBD
Bond v Norman, Bond v Nottingham Corp [1939] 3 669, ChD
Affirmed [1940] 2 12, CA
Dictum considered, Bradburn v Lindsay [1983] 2 408
Borden (UK) Ltd v Scottish Timber Products Ltd [1979] 3 961, CA
Considered, Re Peachdart Ltd [1983] 3 204
Boston v W S Bagshaw & Sons [1966] 2 906, CA
Applied, Blackshaw v Lord [1983] 2 311
Boundary Commission for England, R v, ex p Foot. *See* R v Boundary Commission for England, ex p Foot
Bow Street Stipendiary Magistrate, R v, ex p Comr of Police of the Metropolis. *See* R v Bow Street Stipendiary Magistrate, ex p Comr of Police of the Metropolis
Bowater v Rowley Regis Corp [1944] 1 465, CA
Considered, Freeman v Home Office [1983] 3 589
Bradburn v Lindsay [1983] 2 408, ChD
Bradshaw v Ewart-James [1983] 1 12, QBD
Braithwaite, R v. *See* R v Braithwaite
Brandrose Investments Ltd, Windsor and Maidenhead Royal BC v. *See* Windsor and Maidenhead Royal BC v Brandrose Investments Ltd
Bratty v A-G for Northern Ireland [1961] 3 523, HL
Considered, R v Sullivan [1983] 2 673
Brazil v Chief Constable of Surrey [1983] 3 537, QBD
Bremer Oeltransport GmbH v Drewry [1933] 851, CA
Followed, The St Anna [1983] 2 691
Bremer Vulkan Schiffbau Und Maschinenfabrik v South India Shipping Corp [1979] 3 194, QBD
Affirmed [1980] 1 420, CA
Reversed [1981] 1 289, HL
Applied, Paal Wilson & Co A/S v Partenreederei Hannah Blumenthal [1983] 1 34
Explained, Paal Wilson & Co A/S v Partenreederei Hannah Blumenthal [1983] 1 34
Brent London BC, ex p, R v Secretary of State for the Environment. *See* R v Secretary of State for the Environment, ex p Brent London BC
Brewer v Westminster Bank Ltd [1952] 2 650, QBD
Not followed, Catlin v Cyprus Finance Corp (London) Ltd [1983] 1 809
Briant Colour Printing Co Ltd (in liquidation), Re [1977] 1 849, ChD
Affirmed [1977] 3 968, CA
Followed, Verrall v Hackney London Borough Council [1983] 1 277
British Airports Authority v Ashton [1983] 3 6, QBD
British Airports Authority, Pan American World Airways Inc v. *See* Air Canada v Secretary of State for Trade (No 2)
British Airways Board v Laker Airways Ltd [1983] 3 375, QBD & CA
British Airways Board, American Express Co v. *See* American Express Co v British Airways Board
British Concrete Pipe Association, Re [1983] 1 203, CA
British Nylon Spinners Ltd v Imperial Chemical Industries Ltd [1952] 2 780, CA
Considered, X AG v A bank [1983] 2 464
British Oxygen Co Ltd v Minister of Technology [1968] 2 177, ChD
Affirmed [1969] 2 18, CA
Affirmed [1970] 3 165, HL
Applied, R v Secretary of State for the Environment, ex p Brent London BC [1983] 3 321
British Rail Engineering Ltd, Kirkup v. *See* Kirkup v British Rail Engineering Ltd
British Rlys Board v Glass [1964] 1 418, ChD
Affirmed [1964] 3 418, CA
Considered, T R H Sampson Associates Ltd v British Rlys Board [1983] 1 257
British Rlys Board, Burton v. *See* Burton v British Rlys Board
British Rlys Board, T R H Sampson Associates Ltd v. *See* Sampson (T R H) Associates Ltd v British Rlys Board
British Rlys Board, Titchener v. *See* Titchener v British Rlys Board
British Rlys Board, Wright v. *See* Wright v British Rlys Board
British Steel Corp v Granada Television Ltd [1981] 1 417, ChD, CA & HL
Considered, X AG v A bank [1983] 2 464
Britzman, R v. *See* R v Britzman
Bromley London BC v Greater London Council [1982] 1 129, CA & HL
Applied, R v London Transport Executive, ex p Greater London Council [1983] 2 262
Distinguished, Pickwell v Camden London BC [1983] 1 602
Brooks Associates Inc v Basu (Dept for National Savings, garnishee) [1983] 1 508, QBD
Broxtowe BC v Birch [1983] 1 641, CA
Buckley v Law Society [1983] 2 1039, ChD
Bulmer (H P) Ltd v J Bollinger SA [1974] 2 1226, CA
Dictum followed, Customs and Excise Comrs v ApS Samex (Hanil Synthetic Fiber Industrial Co Ltd, third party) [1983] 1 1042
Burgess v Purchase & Sons (Farms) Ltd [1983] 1 4, ChD

Burmah Oil Co Ltd v Bank of England [1979] **2** 461, CA
Affirmed on other grounds [1979] **3** 700, HL
Applied, Air Canada v Secretary of State for Trade (No 2) [1983] **1** 161
Considered, Air Canada v Secretary of State for Trade (No 2) [1983] **1** 910
Burns v Currell [1963] **2** 297, QBD
Considered, Backer v Secretary of State for the Environment [1983] **2** 1021
Burnside, Anderton v. *See* R v Morris
Burston Finance Ltd (in liq) v Godfrey [1976] **2** 976, CA
Doubted, Roberts Petroleum Ltd v Bernard Kenny Ltd (in liq) [1983] **1** 564
Burton v British Rlys Board [1983] **1** 1094, EAT

C

C (a minor) (wardship : care order), Re [1983] **1** 219, FamD
C (a minor), Elliott v. *See* Elliott v C (a minor)
C & P Haulage (a firm) v Middleton [1983] **3** 94, CA
Calabar Properties Ltd v Stitcher [1983] **3** 759, CA
Calderbank v Calderbank [1975] **3** 333, CA
Dictum followed, Computer Machinery Co Ltd v Drescher [1983] **3** 153
Caldwell v Leech [1911-13] 703, KBD
Considered, Kelly v Purvis [1983] **1** 525
Camden London BC, P Perl (Exporters) Ltd v. *See* Perl (P) (Exporters) Ltd v Camden London BC
Camden London BC, Pickwell v. *See* Pickwell v Camden London BC
Camden London Borough v Herwald [1976] **2** 808, QBD
Reversed [1978] **2** 880, CA
Dictum followed, Verrall v Hackney London Borough Council [1983] **1** 277
Campbell v Edwards [1976] **1** 785, CA
Distinguished, Burgess v Purchase & Sons (Farms) Ltd [1983] **1** 4
Campbell, Whittaker v. *See* Whittaker v Campbell
Canada Steamship Lines Ltd v R [1952] **1** 305, PC
Considered, Industrie Chimiche Italia Centrale SpA v Nea Ninemia Shipping Co SA [1983] **1** 686
Followed, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] **1** 108
Care Shipping Corp v Latin American Shipping Corp [1983] **1** 1121, QBD
Carl-Zeiss-Stiftung v Herbert Smith & Co (a firm) (No 2) [1968] **2** 1233, ChD
Affirmed [1969] **2** 367, CA
Applied, Fraser v Thames Television Ltd [1983] **2** 101
Carl-Zeiss-Stiftung v Rayner and Keeler Ltd (No 2) [1965] **1** 300, CA
Reversed [1966] **2** 536, HL
Dicta followed, Westfal-Larsen & Co A/S v Ikerigi Compania Naviera SA [1983] **1** 382
Carle, Bellerby v. *See* Bellerby v Carle
Carrington v Therm-A-Stor Ltd [1983] **1** 796, CA
Carson v Carson [1983] **1** 478, CA
Applied, Norman v Norman [1983] **1** 486
Carter v Green [1950] **1** 627, CA
Distinguished, Trustees of Henry Smith's Charity v Willson [1983] **1** 73
Cartledge v Jopling (E) & Sons Ltd [1961] **3** 482, CA
Affirmed [1963] **1** 341, HL
Applied, Pirelli General Cable Works Ltd v Oscar Faber & Partners (a firm) [1983] **1** 65
Applied, Dove v Banhams Patent Locks Ltd [1983] **2** 833
Cassell & Co Ltd v Broome [1971] **1** 262, QBD
Reversed [1971] **2** 187, CA
Affirmed on different grounds [1972] **1** 801, HL
Applied, Blackshaw v Lord [1983] **2** 311
Casson v University of Aston in Birmingham [1983] **1** 88, Visitor
Castanho v Brown & Root (UK) Ltd [1980] **1** 689, QBD
Reversed [1980] **3** 74, CA
Varied [1981] **1** 143, HL
Dictum applied, British Airways Board v Laker Airways Ltd [1983] **3** 375
Dictum followed, Smith Kline & French Laboratories Ltd v Bloch [1983] **2** 72
Castle Insurance Co Ltd v Hong Kong Islands Shipping Co Ltd [1983] **3** 706, PC
Catlin v Cyprus Finance Corp (London) Ltd (Catlin, third party) [1983] **1** 809, QBD
Cave v Capel [1953] **2** 929, QBD
Reversed [1954] **1** 428, CA
Applied, Neumann v Bakeaway Ltd (Ghotli, claimant) [1983] **2** 935
Cebu, The. *See* Care Shipping Corp v Latin American Shipping Corp
Centrebind Ltd, Re [1966] **3** 889, ChD
Considered, E V Saxton & Sons Ltd v R Miles (Confectioners) Ltd [1983] **2** 1025
Chadha, Roake v. *See* Roake v Chadha
Chaplin v Boys (sub nom Boys v Chaplin) [1968] **1** 283, CA
Affirmed [1969] **2** 1085, HL
Dictum followed, Coupland v Arabian Gulf Petroleum Co [1983] **2** 434
Followed, Coupland v Arabian Gulf Petroleum Co [1983] **3** 226
Chapman v Chapman [1954] **1** 798, HL
Applied, Mason v Farbrother [1983] **2** 1078
Chard, R v. *See* R v Chard
Charrington & Co Ltd, Evans Construction Co Ltd v. *See* Evans Construction Co Ltd v Charrington & Co Ltd
Chatterton v Gerson [1981] **1** 257, QBD
Applied, Hills v Potter [1983] **3** 716
Dictum followed, Hills v Potter [1983] **3** 716
Cheall v Association of Professional, Executive, Clerical and Computer Staff [1982] **3** 855, QBD & CA
Reversed [1983] **1** 1130, HL

Chertsey UDC v Mixnam's Properties Ltd (sub nom Mixnam's Properties Ltd v Chertsey UDC) [1963] 2 787, CA
Affirmed [1964] 2 627, HL
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D

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Explained, Mitchell v Mitchell [1983] **3** 621
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Dean v Prince [1953] **2** 636, ChD
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Donoghue v Allied Newspapers Ltd [1937] **3** 503, ChD
Distinguished, Fraser v Thames Television Ltd [1983] **2** 101
Dorking Justices, R v, ex p Harrington. *See* R v Dorking Justices, ex p Harrington
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Considered, R v Bailey [1983] 2 503
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Applied, R v Fitzmaurice [1983] 1 189
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Approved, Harris v Goddard [1983] 3 242
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Dumbell v Roberts [1944] 1 326, CA
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E

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Dictum applied, Re a company [1983] 2 854
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Eisenhower, J J C (a minor) v. *See* J J C (a minor) v Eisenhower
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El Vino Co Ltd, Gill v. *See* Gill v El Vino Co Ltd
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F

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Distinguished, R v South Tameside Magistrates' Court, ex p Rowland [1983] 3 689
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G

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Reversed [1970] **2** 780, HL
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Explained, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] **1** 108
Goddard, Harris v. *See* Harris v Goddard
Goldman v Thai Airways International Ltd [1983] **3** 693, CA
Goldstein, R v. *See* R v Goldstein
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H

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Distinguished, Millichamp v Jones [1983] **1** 267
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Hart, National Westminster Bank Ltd v. *See* National Westminster Bank Ltd v Hart
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Hay's Settlement Trusts, Re [1981] 3 786, ChD
Dictum applied, Turner v Turner [1983] 2 745
Hazlitt Gallery Ltd, Peco Arts Inc v. *See* Peco Arts Inc v Hazlitt Gallery Ltd
Heard, Kealey v. *See* Kealey v Heard
Hellenic Mutual War Risks Association (Bermuda) Ltd, Athens Maritime Enterprises Corp v. *See* Athens Maritime Enterprises Corp v Hellenic Mutual War Risks Association (Bermuda) Ltd
Helliniki Techniki SA, Bank Mellat v. *See* Bank Mellat v Helliniki Techniki SA
Henry v Geopresco International Ltd [1975] 2 702, CA
Considered, Tracomin SA v Sudan Oil Seeds Co Ltd [1983] 1 404
Hepburn v Tomlinson (A) (Hauliers) Ltd [1965] 1 284, CA
Affirmed [1966] 1 418, HL
Applied, Petrofina (UK) Ltd v Magnaload Ltd [1983] 3 35
Hetton Victory Club Ltd, Swainston v. *See* Swainston v Hetton Victory Club Ltd
Heward-Mills, ex p, R v Uxbridge Justices. *See* R v Uxbridge Justices, ex p Heward-Mills
Hewitt v Rowlands [1924] 344, CA
Explained, Calabar Properties Ltd v Stitcher [1983] 3 759
Heywood v BDC Properties Ltd (No 2) [1964] 1 180, ChD
Reversed [1964] 2 702, CA
Applied, Stockler v Fourways Estates Ltd [1983] 3 501
Higgins, Peabody Donation Fund (Governors) v. *See* Peabody Donation Fund (Governors) v Higgins
Hill v Rochard [1983] 2 21, CA
Hillesden Securities Ltd v Ryjak Ltd [1983] 2 184, QBD
Hills v Ellis [1983] 1 667, QBD
Hills v Potter [1983] 3 716, QBD
Hilton v Sutton Steam Laundry [1945] 2 425, CA
Considered, Austin v Hart [1983] 2 341
Hindle v Hick Bros Manufacturing Co Ltd [1947] 2 825, CA
Considered, National Westminster Bank Ltd v Hart [1983] 2 177
Hodes, ex p, R v Windsor Licensing Justices. *See* R v Windsor Licensing Justices, ex p Hodes
Hodgetts, Chiltern DC v. *See* Chiltern DC v Hodgetts
Holmes Road, Kentish Town, Re Nos 55 & 57 [1958] 2 311, ChD
Considered, Evans Construction Co Ltd v Charrington & Co Ltd [1983] 1 310
Holt v Markham [1922] 134, CA
Considered, Avon CC v Howlett [1983] 1 1073
Home Office v Commission for Racial Equality [1981] 1 1042, QBD
Approved, Amin v Entry Clearance Officer, Bombay [1983] 2 864
Home Office v Dorset Yacht Co Ltd (sub nom Dorset Yacht Co Ltd v Home Office) [1969] 2 564, CA
Affirmed [1970] 2 294, HL
Considered, Fellowes v Rother DC [1983] 1 513
Dicta applied, P Perl (Exporters) Ltd v Camden London BC [1983] 3 161
Home Office v Harman [1981] 2 349, QBD & CA
Affirmed [1982] 1 532, HL
Dictum applied, Customs and Excise Comrs v A E Hamlin & Co (a firm) [1983] 3 654
Home Office, Freeman v. *See* Freeman v Home Office
Hong Kong Islands Shipping Co Ltd, Castle Insurance Co Ltd v. *See* Castle Insurance Co Ltd v Hong Kong Islands Shipping Co Ltd
Hornal v Neuberger Products Ltd [1956] 3 970, CA
Applied, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Horsley & Weight Ltd, Re [1982] 3 1045, CA
Applied, Multinational Gas and Petrochemical Co v Multinational Gas and Petrochemical Services Ltd [1983] 2 563
Dicta distinguished, Multinational Gas and Petrochemical Co v Multinational Gas and Petrochemical Services Ltd [1983] 2 563
Howard v Dept of National Savings [1981] 1 674, CA
Dictum approved, Waite v Government Communications Headquarters [1983] 2 1013
Howlett, Avon CC v. *See* Avon CC v Howlett
Howroyd v Emelkirk Ltd. *See* Hart v Emelkirk Ltd
Hubbard, Universal City Studios Inc v. *See* Universal City Studios Inc v Hubbard
Hughes v Metropolitan Rly Co [1874-80] 187, HL
Applied, Scandinavian Trading Tanker Co AB v Flota Petrolera Ecuatoriana [1983] 1 301
Hughes v Pump House Hotel Co Ltd [1900-3] 480, CA
Followed, Care Shipping Corp v Latin American Shipping Corp [1983] 1 1121
Hurle-Hobbs, Re Decision of [1944] 1 249, KBD, [1944] 2 261, CA
Applied, Pickwell v Camden London BC [1983] 1 602
Husband, Western Heritable Investment Co Ltd v. *See* Western Heritable Investment Co Ltd v Husband
Hytrac Conveyors Ltd v Conveyors International Ltd [1982] 3 415, CA
Explained, Greek City Co Ltd v Demetriou (trading as Spectron Electronics) [1983] 2 921

I

Ikerigi Compania Naviera SA, Westfal-Larsen & Co A/S v. *See* Westfal-Larsen & Co A/S v Ikerigi Compania Naviera SA
Immigration Appeal Tribunal, R v, ex p AS. *See* R v Immigration Appeal Tribunal, ex p AS
Immigration Appeal Tribunal, R v, ex p Bastiampillai. *See* R v Immigration Appeal Tribunal, ex p Bastiampillai
Immigration Appeal Tribunal, R v, ex p Coomasaru. *See* R v Immigration Appeal Tribunal, ex p Coomasaru
Immigration Appeal Tribunal, R v, ex p Enwia. *See* R v Immigration Appeal Tribunal, ex p Enwia
Immigration Appeal Tribunal, R v, ex p Khan (Mahmud). *See* R v Immigration Appeal Tribunal, ex p Khan (Mahmud)
Immigration Appeal Tribunal, R v, ex p Kotecha. *See* R v Immigration Appeal Tribunal, ex p Kotecha
Immigration Appeal Tribunal, R v, ex p Weerasuriya. *See* R v Immigration Appeal Tribunal, ex p Weerasuriya
India (Government of) Ministry of Finance (Revenue Division) v Taylor (sub nom Re Delhi Electric Supply & Traction Co Ltd) [1953] **2** 1452, CA
  Affirmed [1955] **1** 292, HL
  Distinguished, Re Islington Metal and Plating Works Ltd [1983] **3** 218
Industrie Chimiche Italia Centrale SpA v Nea Ninemia Shipping Co SA [1983] **1** 686, QBD
Ingall v Moran [1944] **1** 97, CA
  Considered, Austin v Hart [1983] **2** 341
Inman Steamship Co v Bischoff [1881-5] 440, HL
  Dictum applied, Care Shipping Corp v Latin American Shipping Corp [1983] **1** 1121
International Finance and Exchange Corp (Syndicate Bank intervening), Fidelity International Bank v. *See* Project Development Co Ltd SA v KMK Securities Ltd (Syndicate Bank intervening)
Intpro Properties (UK) Ltd v Sauvel [1983] **1** 658, QBD
  Reversed [1983] **2** 495, CA
Iraqi Ministry of Defence v Arcepey Shipping Co SA (Gillespie Brothers & Co Ltd intervening) [1980] **1** 480, QBD
  Dictum applied, PCW (Underwriting Agencies) Ltd v Dixon [1983] **2** 158
IRC v Lysaght [1928] 575, HL
  Dictum applied, Shah v Barnet London Borough Council [1983] **1** 226
IRC v National Federation of Self-Employed and Small Businesses Ltd [1980] **2** 378, QBD & CA
  Reversed on other grounds [1981] **2** 93, HL
  Dictum applied, R v IRC, ex p Preston [1983] **2** 300
IRC v Rossminster Ltd [1979] **3** 385, QBD & CA
  Reversed [1980] **1** 80, HL
  Applied, Khawaja v Secretary of State for the Home Dept [1983] **1** 765
IRC v Stype Investments (Jersey) Ltd [1981] **2** 394, ChD
  Followed, Official Solicitor v Stype Investments (Jersey) Ltd [1983] **1** 629
IRC v Trustees of Sir John Aird's Settlement [1982] **2** 929, ChD
  Reversed [1983] **3** 481, CA
IRC, R v, ex p Preston. *See* R v IRC, ex p Preston
Ireland v Livingston [1861-73] 585, HL
  Distinguished, European Asian Bank AG v Punjab and Sind Bank [1983] **2** 508
Islington Metal and Plating Works Ltd, Re [1983] **3** 218, ChD
Israel Discount Bank of New York v Hadjipateras [1983] **3** 129, CA

J

J J C (a minor) v Eisenhower [1983] **3** 230, QBD
James, R v. *See* R v Amey
James Walker Goldsmith & Silversmith Ltd, Amherst v. *See* Amherst v James Walker Goldsmith & Silversmith Ltd
Janov v Morris [1981] **3** 780, CA
  Distinguished, Greek City Co Ltd v Demetriou (trading as Spectron Electronics) [1983] **2** 921
  Distinguished, Bailey v Bailey [1983] **3** 495
Jarrold (Inspector of Taxes) v Boustead [1964] **3** 76, CA
  Applied, Glantre Engineering Ltd v Goodhand (Inspector of Taxes) [1983] **1** 542
JEB Fasteners Ltd v Marks, Bloom & Co (a firm) [1981] **3** 289, QBD
  Affirmed [1983] **1** 583, CA
Jedranska Slobodna Plovidba v Oleagine SA [1983] **3** 602, CA
Jefferson Ltd v Bhetcha [1979] **2** 1108, CA
  Applied, R v BBC, ex p Lavelle [1983] **1** 241
Jenkins (Ronald Patrick), R v. *See* R v Jenkins (Edward Jones)
Jenkins (Edward John), R v. *See* R v Wilson (Clarence), R v Jenkins (Edward John)
Jenner, R v. *See* R v Jenner
Johns v Martin Simms (Cheltenham) Ltd [1983] **1** 127, QBD
Johnson v Agnew [1978] **3** 314, CA
  Varied [1979] **1** 883, HL
  Dictum applied, Damon Cia Naviera SA v Hapag-Lloyd International SA [1983] **3** 510
Johnson v Firth (Inspector of Taxes). *See* Wicks v Firth (Inspector of Taxes)
Jones v Jones [1983] **1** 1037, QBD
Jones v Pritchard [1908-10] 80, ChD
  Dictum considered, Bradburn v Lindsay [1983] **2** 408
Jones, Millichamp v. *See* Millichamp v Jones
Jones (R E) Ltd v Waring and Gillow Ltd [1926] 36, HL
  Considered, Avon CC v Howlett [1983] **1** 1073
Joseph Rowntree Memorial Trust Housing Association Ltd v A-G [1983] **1** 288, ChD
Junior Books Ltd v Veitchi Co Ltd [1982] **3** 201, HL
  Applied, Dove v Banhams Patent Locks Ltd [1983] **2** 833

K

K Shoe Shops Ltd v Hardy (Valuation Officer) [1983] 3 609, HL
Kandalla v British Airways Board (formerly British European Airways Corp) [1980] 1 341, QBD
Considered, Adsett v West [1983] 2 985
Kassam v Immigration Appeal Tribunal [1980] 2 330, CA
Approved, Amin v Entry Clearance Officer, Bombay [1983] 2 864
Kealey v Heard [1983] 1 973, QBD
Kearney, R v. *See* R v Kearney
Kelly v Purvis [1983] 1 525, QBD
Kennedy v de Trafford [1895-99] 408, HL
Applied, Tse Kwong Lam v Wong Chit Sen [1983] 3 54
Kent, R v. *See* R v Kent
Kent CC v Kingsway Investments (Kent) Ltd (sub nom Kingsway Investments (Kent) Ltd v Kent CC) [1969] 1 601, CA
Reversed [1970] 1 70, HL
Applied, Thames Water Authority v Elmbridge BC [1983] 1 836
Khan (Mahmud), ex p, R v Immigration Appeal Tribunal. *See* R v Immigration Appeal Tribunal, ex p Khan (Mahmud)
Khawaja, ex p, R v Secretary of State for the Home Dept. *See* Khawaja v Secretary of State for the Home Dept
Khawaja v Secretary of State for the Home Dept [1982] 2 523, CA
Affirmed [1983] 1 765, HL
Kidner, ex p, R v Dover Magistrates' Court. *See* R v Dover Magistrates' Court, ex p Kidner
Kimber, R v. *See* R v Kimber
King, R v. *See* R v King
Kington (Inspector of Taxes), Gubay v. *See* Gubay v Kington (Inspector of Taxes)
Kirkup v British Rail Engineering Ltd [1983] 1 855, QBD
Affirmed [1983] 3 147, CA
KMK Securities Ltd (Syndicate Bank intervening), Project Development Co Ltd SA v. *See* Project Development Co Ltd SA v KMK Securities Ltd (Syndicate Bank intervening)
Kolb's Will Trusts, Re [1961] 3 811, ChD
Considered, Mason v Farbrother [1983] 2 1078
Kotecha, ex p, R v Immigration Appeal Tribunal. *See* R v Immigration Appeal Tribunal, ex p Kotecha
Kuwait Insurance Co, Amin Rasheed Shipping Corp v. *See* Amin Rasheed Shipping Corp v Kuwait Insurance Co
Kuwait Minister of Public Works v Sir Frederick Snow & Partners (a firm) [1983] 2 754, CA

L

Laing (John) & Son Ltd v Kingswood Assessment Committee [1948] 1 943, KBD
Affirmed [1949] 1 224, CA
Considered, Verrall v Hackney London Borough Council [1983] 1 277
Laker Airways Ltd v Dept of Trade [1977] 2 182, CA
Applied, R v Police Complaints Board, ex p Madden [1983] 2 353
Laker Airways Ltd, British Airways Board v. *See* British Airways Board v Laker Airways Ltd
Lamb, ex p, R v Birmingham Justices. *See* R v Birmingham Justices, ex p Lamb
Lamb v London Borough of Camden [1981] 2 408, CA
Dictum applied, P Perl (Exporters) Ltd v Camden London BC [1983] 3 161
Land Securities plc v Receiver for the Metropolitan Police District [1983] 2 254, ChD
Landolt v Wynn. *See* Wynn (decd), Re
Latin American Shipping Corp, Care Shipping Corp v. *See* Care Shipping Corp v Latin American Shipping Corp
Laughton, Merkur Island Shipping Corp v. *See* Merkur Island Shipping Corp v Laughton
Lavelle, ex p, R v BBC. *See* R v BBC, ex p Lavelle
Law v National Greyhound Racing Club Ltd [1983] 3 300, CA
Law Society, Buckley v. *See* Buckley v Law Society
Lawrence v Comr of Police for the Metropolis (sub nom R v Lawrence) [1970] 3 933, CA
Affirmed [1971] 2 1253, HL
Applied, R v Morris [1983] 2 448
Approved, R v Morris [1983] 3 288
Leaf v International Galleries [1950] 1 693, CA
Distinguished, Peco Arts Inc v Hazlitt Gallery Ltd [1983] 3 193
Leakey v National Trust for Places of Historic Interest or Natural Beauty [1978] 3 234, QBD
Affirmed [1980] 1 17, CA
Applied, Bradburn v Lindsay [1983] 2 408
Lear v Blizzard [1983] 3 662, QBD
Lee v Showmen's Guild of Great Britain [1952] 1 1175, CA
Dictum applied, R v BBC, ex p Lavelle [1983] 1 241
Lee (Paula) Ltd v Robert Zehil & Co Ltd [1983] 2 390, QBD
Leeds Justices, R v, ex p Sykes. *See* R v Leeds Justices, ex p Sykes
Leonidas D, The. *See* Allied Marine Transport Ltd v Vale do Rio Doce Navegacao SA
Lester v Garland [1803-13] 436, Rolls Ct
Dictum applied, IRC v Trustees of Sir John Aird's Settlement [1983] 3 481
Levene v IRC [1928] 746, HL
Dictum applied, Shah v Barnet London Borough Council [1983] 1 226
Lewis v Averay (No 2) [1973] 2 229, CA
Applied, R v Miller (Raymond) [1983] 3 186
Lewis v Daily Telegraph [1963] 2 151, HL
Dictum followed, Blackshaw v Lord [1983] 2 311
Lidster v Owen [1983] 1 1012, CA
Lincolnshire (Kesteven) Justices, R v, ex p O'Connor. *See* R v Lincolnshire (Kesteven) Justices, ex p O'Connor
Lindsay, Bradburn v. *See* Bradburn v Lindsay

Lister v Quaife [1983] 2 29, QBD
Liverpool City Council v Irwin [1975] 3 658, CA
Affirmed in part [1976] 2 39, HL
Applied, Wettern Electric Ltd v Welsh Development Agency [1983] 2 629
Liverpool City Justices, R v, ex p Topping. *See* R v Liverpool City Justices, ex p Topping
Liverpool Taxi Owners' Assn, Re [1972] 2 589, CA
Applied, A-G of Hong Kong v Ng Yuen Shiu [1983] 2 346
Liversidge v Anderson [1941] 2 612, CA
Affirmed [1941] 3 338, HL
Dictum applied, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Livingstone-Stallard v Livingstone-Stallard [1974] 2 766, FamD
Applied, Bergin v Bergin [1983] 1 905
Lloyd v Stanbury [1971] 2 277, ChD
Distinguished, C & P Haulage (a firm) v Middleton [1983] 3 94
Lloyd v Wright [1983] 2 969, CA
Lloyd's, Moran v. *See* Moran v Lloyd's
Lloyds Bank Ltd v Bundy [1974] 3 757, CA
Applied, National Westminster Bank plc v Morgan [1983] 3 85
Distinguished, Alec Lobb (Garages) Ltd v Total Oil GB Ltd [1983] 1 944
Lloyds Bank Ltd v City of London Corp [1983] 1 92, CA
Lloyds Bank plc v Ellis-Fewster [1983] 2 424, CA
Lomax v Peter Dixon & Son Ltd [1943] 2 255, CA
Dictum applied, Ditchfield (Inspector of Taxes) v Sharp [1983] 3 681
London and South of England Building Society v Stone [1983] 3 105, CA
London Artists Ltd v Littler [1968] 1 1075, QBD
Affirmed [1969] 2 193, CA
Dictum applied, Blackshaw v Lord [1983] 2 311
London Transport Executive, R v, ex p Greater London Council. *See* R v London Transport Executive, ex p Greater London Council
Lord, Blackshaw v. *See* Blackshaw v Lord
LTSS Print and Supply Services Ltd v London Borough of Hackney [1975] 1 374, QBD
Reversed [1976] 1 311, CA
Dictum approved, Young v Secretary of State for the Environment [1983] 2 1105
Luby v Newcastle-under-Lyme Corp [1964] 1 84, QBD
Affirmed [1964] 3 169, CA
Dictum applied, Pickwell v Camden London BC [1983] 1 602
Luka Botic, The. *See* Jedranska Slobodna Plovidba v Oleagine SA

M

McCarey v Associated Newspapers Ltd [1964] 2 335, QBD
Reversed on another point [1964] 3 947, CA
Dictum not followed, Blackshaw v Lord [1983] 2 311
McComb, ex p, R v Stipendiary Magistrate at Lambeth. *See* R v Stipendiary Magistrate at Lambeth, ex p McComb
MacDonald v Platt. *See* Newland v Boardwell
MacDonnell v Daly [1969] 3 851, CA
Dictum considered, Hill v Rochard [1983] 2 21
McGhee v National Coal Board [1972] 3 1008, HL
Applied, Clark v MacLennan [1983] 1 416
McInnes v Onslow Fane [1978] 3 211, ChD
Applied, R v Secretary of State for the Environment, ex p Brent London BC [1983] 3 321
McKay v Essex Area Health Authority [1982] 2 771, CA
Applied, Udale v Bloomsbury Area Health Authority [1983] 2 522
MacLennan, Clark v. *See* Clark v MacLennan
McLoughlin v O'Brian [1981] 1 809, CA
Reversed [1982] 2 298, HL
Dicta applied, Udale v Bloomsbury Area Health Authority [1983] 2 522
McNaghten's Case [1843-60] 229, HL
Explained, R v Sullivan [1983] 1 577
Macrae v Macrae [1949] 1 290, Div
Affirmed [1949] 2 34, CA
Dictum applied, R v Eastleigh BC, ex p Betts [1983] 2 481
MacShannon v Rockware Glass Ltd [1977] 2 449, CA
Reversed [1978] 1 625, HL
Applied, Coupland v Arabian Gulf Petroleum Co [1983] 2 434
Applied, The Abidin Daver [1983] 3 46
Followed, Amin Rasheed Shipping Corp v Kuwait Insurance Co [1983] 1 873
Followed, Smith Kline & French Laboratories Ltd v Bloch [1983] 2 72
Madden, ex p, R v Police Complaints Board. *See* R v Police Complaints Board, ex p Madden
Maddox v Storer [1962] 1 831, QBD
Considered, Backer v Secretary of State for the Environment [1983] 2 1021
Magnaload Ltd, Petrofina (UK) Ltd v. *See* Petrofina (UK) Ltd v Magnaload Ltd
Maher, R v. *See* R v Maher
Mahoney, Enfield London Borough Council v. *See* Enfield London Borough Council v Mahoney
Mallalieu v Drummond (Inspector of Taxes) [1983] 1 801, CA
Reversed [1983] 2 1095, HL
Malloch v Aberdeen Corp [1971] 2 1278, HL
Dictum applied, R v BBC, ex p Lavelle [1983] 1 241
Malnick (J P) & Co (a firm), Oliver v. *See* Oliver v J P Malnick & Co (a firm)
Malvern Fishing Co Ltd, Ailsa Craig Fishing Co Ltd v. *See* Ailsa Craig Fishing Co Ltd v Malvern Fishing Co Ltd
Mandla v Dowell Lee [1982] 3 1108, CA
Reversed [1983] 1 1062, HL

Marcrest Ltd, ex p, R v Crown Court at Knightsbridge. *See* R v Crown Court at Knightsbridge, ex p Marcrest Ltd
Mardorf Peach & Co Ltd v Attica Sea Carriers Corp of Liberia [1976] **2** 249, CA
Reversed [1977] **1** 545, HL
Dictum applied, Antaios Cia Naviera SA v Salen Rederierna AB [1983] **3** 777
Dictum doubted, Scandinavian Trading Tanker Co AB v Flota Petrolera Ecuatoriana [1983] **1** 301
Dictum doubted, Scandinavian Trading Tanker Co AB v Flota Petrolera Ecuatoriana [1983] **2** 763
Margate Corp v Devotwill Investments Ltd (sub nom Devotwill Investments Ltd v Margate Corp) [1969] **2** 97, CA
Reversed [1970] **3** 864, HL
Distinguished, Grampian Regional Council v Secretary of State for Scotland [1983] **3** 673
Marina Shipping Ltd v Laughton [1982] **1** 481, CA
Dictum approved, Merkur Island Shipping Corp v Laughton [1983] **2** 189
Followed, Merkur Island Shipping Corp v Laughton [1983] **1** 334
Marlow Justices, R v, ex p O'Sullivan. *See* R v Marlow Justices, ex p O'Sullivan
Marshall v Osmond [1982] **2** 610, QBD
Affirmed [1983] **2** 225, CA
Marshall (Thomas) (Exports) Ltd v Guinle [1978] **3** 193, ChD
Applied, Fraser v Thames Television Ltd [1983] **2** 101
Mason v Farbrother [1983] **2** 1078, ChD
Maxwell v DPP [1934] 168, HL
Dictum applied, R v Watts [1983] **3** 101
Mecca, The [1968] **2** 731, Adm
Applied, Polish Steam Ship Co v Atlantic Maritime Co [1983] **2** 532
Merkur Island Shipping Corp v Laughton [1983] **1** 334, CA
Affirmed [1983] **2** 189, HL
Mersey Regional Health Authority, Ashcroft v. *See* Ashcroft v Mersey Regional Health Authority
Messiniaki Bergen, The. *See* Westfal-Larsen & Co A/S v Ikerigi Compania Naviera SA
Messiniaki Tolmi, The. *See* Astro Exito Navegacion SA v Southland Enterprise Co Ltd (Chase Manhattan Bank NA intervening)
Methodist Conference (President) v Parfitt [1983] **3** 747, CA
Metropolitan Film Studios Ltd v Twickenham Film Studios Ltd (Intended Action), Re [1962] **3** 508, ChD
Considered, Land Securities plc v Receiver for the Metropolitan Police District [1983] **2** 254
Metropolitan Police Comr v Charles [1976] **1** 659, CA
Affirmed [1976] **3** 112, HL
Dictum followed, R v Gilmartin [1983] **1** 829
Metropolitan Properties Co (FGC) Ltd v Lannon [1968] **1** 354, QBD
Reversed in part [1968] **3** 304, CA
Dictum applied, R v Liverpool City Justices, ex p Topping [1983] **1** 490
Meyer v Meyer [1971] **1** 378, Div
Distinguished, Israel Discount Bank of New York v Hadjipateras [1983] **3** 129
MFI Furniture Centre Ltd, West Yorkshire Metropolitan CC v. *See* West Yorkshire Metropolitan CC v MFI Furniture Centre Ltd
Middleton, C & P Haulage (a firm). *See* C & P Haulage (a firm) Middleton
Miles (R) (Confectioners) Ltd, E V Saxton & Sons Ltd v. *See* Saxton (E V) & Sons Ltd v R Miles (Confectioners) Ltd
Milk Marketing Board, Garden Cottage Foods Ltd v. *See* Garden Cottage Foods Ltd v Milk Marketing Board
Miller, R v. *See* R v Miller
Miller (Raymond), R v. *See* R v Miller (Raymond)
Miller (James) and Partners Ltd v Whitworth Street Estates (Manchester) Ltd [1969] **2** 210, CA
Reversed [1970] **1** 796, HL
Followed, Amin Rasheed Shipping Corp v Kuwait Insurance Co [1983] **1** 873
Millichamp v Jones [1983] **1** 267, ChD
Applied, Damon Cia Naviera SA v Hapag-Lloyd International SA [1983] **3** 510
Mills v Cooper [1967] **2** 100, QBD
Dictum applied, R v Secretary of State for the Environment, ex p Hackney London BC [1983] **3** 358
Mineralimportexport (Barclays Bank International Ltd intervening), Oceanica Castelana Armadora SA v. *See* Oceanica Castelana Armadora SA v Mineralimportexport (Barclays Bank International Ltd intervening)
Ministry of Defence v Jeremiah [1979] **3** 833, CA
Distinguished, Gill v El Vino Co Ltd [1983] **1** 398
Mitchell v Harris Engineering Co Ltd [1967] **2** 682, CA
Considered, Evans Construction Co Ltd v Charrington & Co Ltd [1983] **1** 310
Mitchell v Mitchell [1983] **3** 621, CA
Mitchell, R v. *See* R v Mitchell
Mitchell (George) (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] **1** 108, CA
Affirmed [1983] **2** 737, HL
Mohammed-Holgate v Duke [1983] **3** 527, CA
Moorcock, The [1886-90] 530, CA
Applied, Wettern Electric Ltd v Welsh Development Agency [1983] **2** 629
Moore v Green [1983] **1** 663, QBD
Moran v Lloyd's [1983] **2** 200, CA
Morgan, National Westminster Bank plc v. *See* National Westminster Bank plc v Morgan
Morgan (Inspector of Taxes) v Tate & Lyle Ltd [1954] **2** 413, HL
Dicta applied, Mallalieu v Drummond (Inspector of Taxes) [1983] **2** 1095
Morris, R v. *See* R v Morris
Motor Insurers' Bureau, Cooper v. *See* Cooper v Motor Insurers' Bureau
Multinational Gas and Petrochemical Co v Multinational Gas and Petrochemical Services Ltd [1983] **2** 563, CA
Multinational Gas and Petrochemical Services Ltd, Multinational Gas and Petrochemical Co v. *See* Multinational Gas and Petrochemical Co v Multinational Gas and Petrochemical Services Ltd
Multiservice Bookbinding Ltd v Marden [1978] **2** 489, ChD
Applied, Alec Lobb (Garages) Ltd v Total Oil GB Ltd [1983] **1** 944
Applied, Nationwide Building Society v Registry of Friendly Societies [1983] **3** 296

Myers v DPP (sub nom R v Myers) [1964] 1 877, CCA
Reasoning disapproved [1964] 2 881, HL
Distinguished, R v Abadom [1983] 1 364
Myers v Myers [1982] 1 776, CA
Disapproved, Richards v Richards [1983] 1 1017
Myton Ltd v Schwab-Morris [1974] 1 326, ChD
Not followed, Millichamp v Jones [1983] 1 267

N

Nash v Nash [1967] 1 535, Div
Approved, Mitchell v Mitchell [1983] 3 621
National Coal Board, Storey v. *See* Storey v National Coal Board
National Greyhound Racing Club Ltd, Law v. *See* Law v National Greyhound Racing Club Ltd
National House-Building Council v Fraser [1983] 1 1090, QBD
National Westminster Bank Ltd v Hart [1983] 2 177, CA
National Westminster Bank plc, ex p a debtor (No 75N of 1982, Warrington) v, Re the debtor. *See* Debtor (No 75N of 1982, Warrington), Re a, ex p the debtor v National Westminster Bank plc
National Westminster Bank plc v Morgan [1983] 3 85, CA
National Westminster Bank plc (London and County Securities Ltd, third party), Stanfield Properties Ltd v. *See* Stanfield Properties Ltd v National Westminster Bank plc (London and County Securities Ltd, third party)
Nationwide Building Society v Registry of Friendly Societies [1983] 3 296, ChD
Nea Ninemia Shipping Co SA, Industrie Chimiche Italia Centrale SpA v. *See* Industrie Chimiche Italia Centrale SpA v Nea Ninemia Shipping Co SA
Neilson v London and North Western Rly Co [1922] 395, HL
Explained, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] 1 108
Neumann v Bakeaway Ltd (Ghotli, claimant) [1983] 2 935, CA
Applied, Observer Ltd v Gordon (Cranfield and ors, claimants) [1983] 2 945
New Zealand Shipping Co Ltd v Société des Ateliers et Chantiers de France [1918-19] 552, HL
Explained, Cheall v Association of Professional, Executive, Clerical and Computer Staff [1983] 1 1130
Newland v Boardwell [1983] 3 179, CA
Newland, In the Estate of [1952] 1 841, Prob
Distinguished, Re Rapley's Estate [1983] 3 248
Ng Yuen Shiu, A-G of Hong Kong v. *See* A-G of Hong Kong v Ng Yuen Shiu
Nippon Kaiji Kyokai, Resolute Maritime Inc v. *See* Resolute Maritime Inc v Nippon Kaiji Kyokai
Nishina Trading Co Ltd v Chiyoda Fire and Marine Insurance Co Ltd [1968] 3 712, QBD
Affirmed [1969] 2 776, CA
Overruled, Shell International Petroleum Co Ltd v Gibbs [1983] 1 745
Nokes v Doncaster Amalgamated Collieries [1938] 4 6, KBD
Affirmed [1939] 2 668, CA
Reversed [1940] 3 549, HL
Distinguished, Re British Concrete Pipe Association [1983] 1 203
Norman v Golder [1944] 1 632, KBD
Dictum applied, Mallalieu v Drummond (Inspector of Taxes) [1983] 2 1095
Norman v Golder [1944] 1 832, KBD
Affirmed [1945] 1 352, CA
Norman v Norman [1983] 1 486, FamD
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Nothman v London Borough of Barnet [1978] 1 1243, CA
Affirmed [1979] 1 142, HL
Considered, Waite v Government Communications Headquarters [1983] 2 1013

O

O, ex p, R v City of Birmingham DC. *See* Birmingham City DC v O
O, Birmingham City DC v. *See* Birmingham City DC v O
Observer Ltd v Gordon (Cranfield and ors, claimants) [1983] 2 945, QBD
Oceanic Amity, The. *See* Seven Seas Transportation Ltd v Pacifico Union Marina Corp
Oceanic Contractors Inc, Clark (Inspector of Taxes) v. *See* Clark (Inspector of Taxes) v Oceanic Contractors Inc
Oceanica Castelana Armadora SA v Mineralimportexport (Barclays Bank International Ltd intervening) [1983] 2 65, QBD
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Official Solicitor v Stype Investments (Jersey) Ltd [1983] 1 629, ChD
O'Kelly v Trusthouse Forte plc [1983] 3 456, CA
Old Grovebury Manor Farm Ltd v W Seymour Plant Sales & Hire Ltd (No 2) [1979] 3 504, CA
Applied, Governors of the Peabody Donation Fund v Higgins [1983] 3 122
Oleagine SA, Jedranska Slobodna Plovidba v. *See* Jedranska Slobodna Plovidba v Oleagine SA
Oliver v J P Malnick & Co (a firm) [1983] 3 795, EAT
Ollett v Bristol Aerojet Ltd [1979] 3 544, QBD
Applied, Kirkup v British Rail Engineering Ltd [1983] 1 855
O'Neill v O'Neill [1975] 3 289, CA
Applied, Bergin v Bergin [1983] 1 905
Ord v Maidstone and District Hospital Management Committee [1974] 2 343, NIRC
Distinguished, Waite v Government Communications Headquarters [1983] 2 1013
O'Reilly v Mackman [1982] 3 680, QBD & CA
Affirmed [1982] 3 1124, HL
Applied, A-G of Hong Kong v Ng Yuen Shiu [1983] 2 346
Distinguished, Buckley v Law Society [1983] 2 1039
Distinguished, Davy v Spelthorne BC [1983] 3 278
Ortiz, A-G of New Zealand v. *See* A-G of New Zealand v Ortiz

Oscar Faber & Partners (a firm), Pirelli General Cable Works Ltd v. *See* Pirelli General Cable Works Ltd v Oscar Faber & Partners (a firm)
Osmond, Marshall v. *See* Marshall v Osmond
O'Sullivan, ex p, R v Marlow Justices. *See* R v Marlow Justices, ex p O'Sullivan
Owen, Lidster v. *See* Lidster v Owen

P

P v P and J [1969] **3** 511, Div
Reversed [1971] **1** 616, CA
Considered, Batchelor v Batchelor [1983] **3** 618
Paal Wilson & Co A/S v Partenreederei Hannah Blumenthal [1982] **1** 197, QBD
Affirmed [1982] **3** 394, CA
Reversed [1983] **1** 34, HL
Considered, Allied Marine Transport Ltd v Vale do Rio Doce Navegacao SA [1983] **3** 737
Pacifico Union Marina Corp, Seven Seas Transportation Ltd v. *See* Seven Seas Transportation Ltd v Pacifico Union Marina Corp
Pagnan, Afovos Shipping Co SA v. *See* Afovos Shipping Co SA v Pagnan
Pan American World Airways Inc v British Airports Authority. *See* Air Canada v Secretary of State for Trade (No 2)
Pao On v Lau Yiu [1979] **3** 65, PC
Considered, Alec Lobb (Garages) Ltd v Total Oil GB Ltd [1983] **1** 944
Parfitt, President of the Methodist Conference v. *See* Methodist Conference (President) v Parfitt
Parkinson (Sir Lindsay) & Co Ltd, Governors of the Peabody Donation Fund v. *See* Peabody Donation Fund (Governors) v Sir Lindsay Parkinson & Co Ltd
Partenreederei Hannah Blumenthal, Paal Wilson & Co A/S v. *See* Paal Wilson & Co A/S v Partenreederei Hannah Blumenthal
Passingham, ex p, R v Governor of Pentonville Prison. *See* Dowse v Government of Sweden
Patterson v Redpath Bros Ltd [1979] **2** 108, QBD
Applied, Hawkins v Harold A Russett Ltd [1983] **1** 215
PCW (Underwriting Agencies) Ltd v Dixon [1983] **2** 158, QBD
Order varied by consent [1983] **2** 697, CA
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Peachdart Ltd, Re [1983] **3** 204, ChD
Peak Trailer & Chassis Ltd v Jackson [1967] **1** 172, QBD
Dictum applied, R v Eastleigh BC, ex p Betts [1983] **2** 481, CA
Peart v Stewart [1982] **2** 369, CA
Reversed [1983] **1** 859, HL
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Pena Copper Mines Ltd v Rio Tinto Co Ltd [1911-13] 209, CA
Applied, Tracomin SA v Sudan Oil Seeds Co Ltd (No 2) [1983] **2** 129
Applied, Tracomin SA v Sudan Oil Seeds Co Ltd (No 2) [1983] **3** 140
Perl (P) (Exporters) Ltd v Camden London BC [1983] **3** 161, CA
Peters, Whitter v. *See* Peart v Stewart
Petrofina (UK) Ltd v Magnaload Ltd [1983] **3** 35, QBD
Philips v Ward [1956] **1** 874, CA
Dictum applied, London and South of England Building Society v Stone [1983] **3** 105
Photo Production Ltd v Securicor Transport Ltd [1978] **3** 146, CA
Reversed [1980] **1** 556, HL
Applied, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] **2** 737
Followed, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] **1** 108
Pickett v British Rail Engineering Ltd [1979] **1** 774, HL
Considered, Adsett v West [1983] **2** 985
Considered, Harris v Empress Motors Ltd [1983] **3** 561
Pickwell v Camden London BC [1983] **1** 602, QBD
Pigg, R v. *See* R v Pigg
Pilkington v IRC (sub nom Re Pilkington's Will Trusts) [1959] **2** 623, ChD
Reversed [1961] **2** 330, CA
Reversed but dicta approved [1962] **3** 622, HL
Dictum applied, Turner v Turner [1983] **2** 745
Pilkington v Wood [1953] **2** 810, CA
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Pirelli General Cable Works Ltd v Oscar Faber & Partners (a firm) [1983] **1** 65, HL
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Platt, MacDonald v. *See* Newland v Boardwell
Poh, Re [1983] **1** 287, HL
Polemis and Furness, Withy & Co Ltd, Re [1921] 40, CA
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Police Complaints Board, R v, ex p Madden. *See* R v Police Complaints Board, ex p Madden
Police Complaints Board, R v, ex p Rhone. *See* R v Police Complaints Board, ex p Madden
Polish Steam Ship Co v Atlantic Maritime Co [1983] **2** 532, QBD
Pollway Ltd v Abdullah [1974] **2** 381, CA
Applied, Millichamp v Jones [1983] **1** 267
Ponsford v HMS Aerosols Ltd [1977] **3** 651, CA
Affirmed [1978] **2** 837, HL
Considered, Lear v Blizzard [1983] **3** 662
Distinguished, Lear v Blizzard [1983] **3** 662
Poole Justices, R v, ex p Fleet. *See* R v Poole Justices, ex p Fleet
Post Office v Wallser [1981] **1** 668, CA
Dictum approved, Waite v Government Communications Headquarters [1983] **2** 1013
Potato Marketing Board v Merricks [1958] **2** 538, QBD
Applied, Thames Water Authority v Elmbridge BC [1983] **1** 836
Potoi Chau, The. *See* Castle Insurance Co Ltd v Hong Kong Islands Shipping Co Ltd

Potter, Hills v. *See* Hills v Potter
Powell-Cotton's Re-Settlement, Re [1956] **1** 60, CA
Dictum considered, Mason v Farbrother [1983] **2** 1078
Distinguished, Mason v Farbrother [1983] **2** 1078
Power Packing Casemakers Ltd v Faust [1983] **2** 166, CA
Practice Direction [1967] **3** 137, CA
Approved, R v Pigg [1983] **1** 56
Prasad v Wolverhampton BC [1983] **2** 140, CA
Prescott v Birmingham Corp [1954] **3** 299, ChD
Affirmed [1954] **3** 698, CA
Applied, R v London Transport Executive, ex p Greater London Council [1983] **2** 262
Distinguished, Pickwell v Camden London BC [1983] **1** 602
Preston, ex p, R v IRC. *See* R v IRC, ex p Preston
Price v Civil Service Commission [1978] **1** 1228, EAT
Applied, Mandla v Dowell Lee [1983] **1** 1062
Prince v Mapp (Inspector of Taxes) [1970] **1** 519, ChD
Applied, Mallalieu v Drummond (Inspector of Taxes) [1983] **2** 1095
Pritam Kaur (administratrix of Bikar Singh (decd)) v S Russell & Sons Ltd [1973] **1** 617, CA
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Pritchard (Inspector of Taxes) v Arundale [1971] **3** 1011, ChD
Distinguished, Glantre Engineering Ltd v Goodhand (Inspector of Taxes) [1983] **1** 542
Project Development Co Ltd SA v KMK Securities Ltd (Syndicate Bank intervening) [1983] **1** 465, QBD
Considered, Oceanica Castelana Armadora SA v Mineralimportexport (Barclays Bank International Ltd intervening) [1983] **2** 65
Punjab and Sind Bank, European Asian Bank AG v. *See* European Asian Bank AG v Punjab and Sind Bank
Purchase & Sons (Farms) Ltd, Burgess v. *See* Burgess v Purchase & Sons (Farms) Ltd
Purvis, Kelly v. *See* Kelly v Purvis
Pyx Granite Co Ltd v Ministry of Housing and Local Government [1959] **3** 1, HL
Dictum followed, Davy v Spelthorne BC [1983] **3** 278

Q

Quaife, Lister v. *See* Lister v Quaife

R

R v Abadom [1983] **1** 364, CA
R v Agritraders Ltd [1983] **1** 1006, CA
R v Allamby [1974] **3** 126, CA
Considered, R v Simpson [1983] **3** 789
R v Amey [1983] **1** 865, CA
R v An Election Court, ex p Sheppard [1975] **2** 723, QBD
Dictum doubted, R v Cripps, ex p Muldoon [1983] **3** 72
R v Angeli [1978] **3** 950, CA
Disapproved, R v Ewing [1983] **2** 645
R v Assim [1966] **2** 881, CCA
Applied, Clayton v Chief Constable of Norfolk [1983] **1** 984
R v Bailey [1983] **2** 503, CA
R v Ball [1983] **2** 1089, CA
R v Bardoe [1969] **1** 948, CA
Overruled, R v Chard [1983] **3** 637
R v Barnes BC, ex p Conlan [1938] **3** 226, KBD
Applied, Birmingham City DC v O [1983] **1** 497
R v Barnet London Borough Council, ex p Shah. *See* Shah v Barnet London Borough Council
R v Bath Licensing Justices, ex p Chittenden [1952] **2** 700, QBD
Dictum applied, R v Bow Street Stipendiary Magistrate, ex p Comr of Police of the Metropolis [1983] **2** 915
R v BBC, ex p Lavelle [1983] **1** 241, QBD
Approved, Law v National Greyhound Racing Club Ltd [1983] **3** 300
R v Birmingham Justices, ex p Lamb [1983] **3** 23, QBD
R v Boundary Commission for England, ex p Foot [1983] **1** 1099, CA
R v Bow Street Stipendiary Magistrate, ex p Comr of Police of the Metropolis [1983] **2** 915, QBD
R v Brady [1964] **3** 616, CCA
Considered, R v Tan [1983] **1** 12
R v Braithwaite [1983] **2** 87, CA
R v Britzman [1983] **1** 369, CA
R v Brixton Prison Governor, ex p Ahson [1969] **2** 347, QBD
Applied, Khawaja v Secretary of State for the Home Dept [1983] **1** 765
R v Caborn-Waterfield [1956] **2** 636, CCA
Overruled, R v Chard [1983] **3** 637
R v Caldwell [1981] **1** 961, HL
Applied, Elliott v C (a minor) [1983] **2** 1005
Considered, Goldman v Thai Airways International Ltd [1983] **3** 693
Distinguished, R v Miller [1983] **1** 978
R v Central Criminal Court Justices, ex p London County Council [1925] 429, KBD
Considered, R v Cripps, ex p Muldoon [1983] **3** 72
R v Chard [1983] **3** 637, HL
R v Chichester Justices, ex p Collins [1982] **1** 1000, QBD
Distinguished, R v Poole Justices, ex p Fleet [1983] **2** 897
R v City of Birmingham DC, ex p O. *See* Birmingham City DC v O
R v Clarence [1886-90] 133, CCR
Considered, R v Jenkins (Edward John) [1983] **1** 1000

R v County Licensing (Stage Plays) Committee of Flint County Council, ex p Barrett [1956] **3** 535, QBD
Considered, R v Windsor Licensing Justices, ex p Hodes [1983] **2** 551
R v County Licensing (Stage Plays) Committee of Flint County Council, ex p Barrett [1956] **3** 545, QBD
Reversed [1957] **1** 112, CA
R v Criminal Injuries Compensation Board, ex p Lain [1967] **2** 770, QBD
Applied, R v BBC, ex p Lavelle [1983] **1** 241
Applied, A-G of Hong Kong v Ng Yuen Shiu [1983] **2** 346
R v Criminal Injuries Compensation Board, ex p Crowe. *See* R v Criminal Injuries Compensation Board, ex p Thompstone
R v Criminal Injuries Compensation Board, ex p Thompstone [1983] **1** 936, QBD
R v Cripps, ex p Muldoon [1983] **3** 72, QBD
R v Crown Court at Knightsbridge, ex p International Sporting Club (London) Ltd [1981] **3** 417, QBD
Considered, R v Crown Court at Knightsbridge, ex p Marcrest Ltd [1983] **1** 1148
R v Crown Court at Knightsbridge, ex p Marcrest Ltd [1983] **1** 1148, CA
R v Crown Court at Sheffield, ex p Brownlow [1980] **2** 444, QBD & CA
Doubted, R v Stipendiary Magistrate at Lambeth, ex p McComb [1983] **1** 321
R v Dorking Justices, ex p Harrington [1983] **3** 29, QBD
R v Dover Magistrates' Court, ex p Kidner [1983] **1** 475, QBD
R v Durham Quarter Sessions, ex p Virgo [1952] **1** 466, QBD
Distinguished, R v South Tameside Magistrates' Court, ex p Rowland [1983] **3** 689
R v Eastleigh BC, ex p Betts. *See* Eastleigh BC v Betts
R v Edmonton Licensing Justices, ex p Baker [1983] **2** 545, QBD
Considered, R v Windsor Licensing Justices, ex p Hodes [1983] **2** 551
R v Epping and Harlow General Comrs, ex p Goldstraw [1983] **3** 257, QBD & CA
R v Epsom Justices, ex p Gibbons [1983] **3** 523, QBD
R v Essex Justices, ex p Final [1962] **3** 924, QBD
Considered, R v Seisdon Justices, ex p Dougan [1983] **1** 6
R v Ewing [1983] **2** 645, CA
R v Fitzmaurice [1983] **1** 189, CA
R v Gibson [1983] **3** 263, CA
Considered, R v Kearney [1983] **3** 270
R v Gilmartin [1983] **1** 829, CA
R v Girdham. *See* R v Braithwaite
R v Goldstein [1982] **3** 53, CA
Affirmed [1983] **1** 434, HL
R v Governor of Pentonville Prison, ex p Azam [1973] **2** 741, CA
Dictum applied, Khawaja v Secretary of State for the Home Dept [1983] **1** 765
R v Governor of Pentonville Prison, ex p Passingham. *See* Dowse v Government of Sweden
R v Governor of Pentonville Prison, ex p Singh [1981] **3** 23, QBD
Dictum distinguished, Dowse v Government of Sweden [1983] **2** 123
R v Greensmith [1983] **3** 444, CA
R v Hall. *See* R v Britzman
R v Horseferry Road Magistrates' Court, ex p Pearson [1979] **2** 264, QBD
Applied, R v Uxbridge Justices, ex p Heward-Mills [1983] **1** 530
R v Horsham Justices, ex p Farquharson [1982] **2** 269, QBD & CA
Dictum applied, R v Leeds Justices, ex p Sykes [1983] **1** 460
R v Hull Prison Board of Visitors, ex p St Germain (No 2) [1979] **3** 545, QBD
Applied, A-G of Hong Kong v Ng Yuen Shiu [1983] **2** 346
R v Hussain [1969] **2** 1117, CA
Considered, R v Taaffe [1983] **2** 625
R v Immigration Appeal Tribunal, ex p AS. *See* R v Immigration Appeal Tribunal, ex p Enwia
R v Immigration Appeal Tribunal, ex p Bastiampillai [1983] **2** 844, QBD
R v Immigration Appeal Tribunal, ex p Coomasaru [1983] **1** 208, CA
R v Immigration Appeal Tribunal, ex p Enwia [1983] **2** 1045, CA
R v Immigration Appeal Tribunal, ex p Khan (Mahmud) [1983] **2** 420, CA
R v Immigration Appeal Tribunal, ex p Kotecha [1983] **2** 289, CA
Applied, R v Immigration Appeal Tribunal, ex p Bastiampillai [1983] **2** 844
R v Immigration Appeal Tribunal, ex p Weerasuriya [1983] **1** 195, QBD
Applied, R v Immigration Appeal Tribunal, ex p Kotecha [1983] **2** 289
R v International Trustee for the Protection of Bondholders Akt (sub nom International Trustee for the Protection of Bondholders Akt v R) [1936] **3** 407, CA
Reversed [1937] **2** 164, HL
Dictum applied, Amin Rasheed Shipping Corp v Kuwait Insurance Co [1983] **2** 884
R v IRC, ex p Preston [1983] **2** 300, QBD
R v James. *See* R v Amey
R v Jenkins (Ronald Patrick). *See* R v Jenkins (Edward John)
R v Jenkins (Edward John). *See* R v Wilson (Clarence), R v Jenkins (Edward John)
R v Jenner [1983] **2** 46, CA
R v Kearney [1983] **3** 270, CA
R v Kemp [1956] **3** 249, Assizes
Dictum applied, R v Sullivan [1983] **2** 673
R v Kent [1983] **3** 1, CA
R v Kimber [1983] **3** 316, CA
R v King [1983] **1** 929, CA
R v Lawrence [1981] **1** 974, HL
Applied, Elliott v C (a minor) [1983] **2** 1005
Considered, Goldman v Thai Airways International Ltd [1983] **3** 693
R v Leeds Justices, ex p Sykes [1983] **1** 460, QBD
R v Leicester Licensing Justices, ex p Bisson [1968] **2** 351, QBD
Dictum applied, R v Edmonton Licensing Justices, ex p Baker [1983] **2** 545
R v Lillis [1972] **2** 1209, CA
Approved, R v Wilson (Clarence), R v Jenkins (Edward John) [1983] **3** 448
R v Lincolnshire (Kesteven) Justices, ex p O'Connor [1983] **1** 901, QBD
R v Lipman [1969] **3** 410, CCA
Considered, R v Bailey [1983] **2** 503

R v Liverpool City Justices, ex p Topping [1983] 1 490, QBD
R v London Transport Executive, ex p Greater London Council [1983] 2 262, QBD
R v Maher [1983] 2 417, CA
R v Marlow Justices, ex p O'Sullivan [1983] 3 578, QBD
R v Marsham, ex p Pethick Lawrence [1911-13] 639, KBD
Considered, R v Seisdon Justices, ex p Dougan [1983] 1 6
R v Middlesex Justices, ex p DPP [1952] 2 312, QBD
Applied, R v Dorking Justices, ex p Harrington [1983] 3 29
R v Miller [1982] 2 386, CA
Affirmed [1983] 1 978, HL
Applied, Elliott v C (a minor) [1983] 2 1005
R v Miller (Raymond) [1983] 3 186, QBD
R v Mitchell [1983] 2 427, CA
R v Morris [1983] 2 448, CA
Affirmed [1983] 3 288, HL
R v Page [1971] 2 870, CA
Considered, R v Gilmartin [1983] 1 829
R v Peart [1970] 2 823, CA
Considered, Whittaker v Campbell [1983] 3 582
R v Petrie [1961] 1 466, CCA
Dictum applied, Gibson v Wales [1983] 1 869
R v Phekoo [1981] 3 84, CA
Dictum doubted, R v Kimber [1983] 3 316
R v Pigg [1982] 2 591, CA
Reversed [1983] 1 56, HL
R v Police Complaints Board, ex p Madden [1983] 2 353, QBD
R v Police Complaints Board, ex p Rhone. *See* R v Police Complaints Board, ex p Madden
R v Poole Justices, ex p Fleet [1983] 2 897, QBD
R v Quick [1973] 3 347, CA
Dictum considered, R v Bailey [1983] 2 503
Distinguished, R v Bailey [1983] 2 503
R v Quinn [1961] 3 88, CCA
Considered, R v Tan [1983] 2 12
R v Reynolds [1981] 3 849, CA
Overruled, R v Pigg [1983] 1 56
R v Rogers [1979] 1 693, Sup Ct Tax Office
Approved, R v Gibson [1983] 3 263
R v St Edmundsbury & Ipswich Diocese (Chancellor), ex p White [1946] 2 604, KBD
Affirmed [1947] 2 170, CA
Considered, R v Cripps, ex p Muldoon [1983] 3 72
R v Secretary of State for the Environment, ex p Brent London BC [1983] 3 321, QBD
R v Secretary of State for the Environment, ex p Hackney London BC [1983] 3 358, QBD
R v Secretary of State for the Home Dept, ex p Choudhary [1978] 3 790, CA
Applied, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Overruled, Khawaja v Secretary of State for the Home Dept [1983] 1 765
R v Secretary of State for the Home Dept, ex p Hussain [1978] 2 423, QBD & CA
Applied, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Overruled, Khawaja v Secretary of State for the Home Dept [1983] 1 765
R v Secretary of State for the Home Dept, ex p Khawaja. *See* Khawaja v Secretary of State for the Home Dept
R v Secretary of State for Trade, ex p Anderson Strathclyde plc [1983] 2 233, QBD
R v Seisdon Justices, ex p Dougan [1983] 1 6, QBD
R v Seymour [1983] 2 1058, HL
R v Simpson [1983] 3 789, CA
R v Sloggett [1971] 3 264, CA
Dictum not followed, R v Ball [1983] 2 1089
R v South Tameside Magistrates' Court, ex p Rowland [1983] 3 689, QBD
R v Southampton Justices, ex p Green [1975] 2 1073, CA
Applied, R v Uxbridge Justices, ex p Heward-Mills [1983] 1 530
Applied, R v Marlow Justices, ex p O'Sullivan [1983] 3 578
Doubted, R v Stipendiary Magistrate at Lambeth, ex p McComb [1983] 1 321
R v Stipendiary Magistrate at Lambeth, ex p McComb [1983] 1 321, QBD & CA
R v Sullivan [1983] 1 577, CA
Affirmed [1983] 2 673, HL
R v Sunair Holidays Ltd [1973] 2 1233, CA
Considered, West Yorkshire Metropolitan CC v MFI Furniture Centre Ltd [1983] 3 234
R v Taaffe [1983] 2 625, CA
R v Tan [1983] 2 12, CA
R v Thomas [1983] 3 756, CA
R v Thomson Holidays Ltd [1974] 1 823, CA
Applied, Bond v Chief Constable of Kent [1983] 1 456
Dictum applied, Bond v Chief Constable of Kent [1983] 1 456
R v Tolson [1886-90] 26, CCR
Dictum applied, R v Miller [1983] 1 978
R v Torbay Licensing Justices, ex p White [1980] 2 25, QBD
Considered, R v Windsor Licensing Justices, ex p Hodes [1983] 2 551
R v Turner [1975] 1 70, CA
Applied, R v Abadom [1983] 1 364
R v Uxbridge Justices, ex p Clark [1968] 2 992, QBD
Considered, R v Seisdon Justices, ex p Dougan [1983] 1 6
R v Uxbridge Justices, ex p Heward-Mills [1983] 1 530, QBD
R v Vivian [1979] 1 48, CA
Applied, R v Amey [1983] 1 865
Distinguished, Bond v Chief Constable of Kent [1983] 1 456
R v Watts [1983] 3 101, CA

R v Webb [1963] **3** 177, CCA
Considered, Kelly v Purvis [1983] **1** 525
R v Wilson (Clarence) [1983] **1** 993, CA
Applied, R v Jenkins (Edward John) [1983] **1** 1000
R v Wilson (Clarence). *See* R v Wilson (Clarence), R v Jenkins (Edward John)
R v Wilson (Clarence) [1983] **1** 993, CA, R v Jenkins (Edward John) [1983] **1** 1000, CA
Reversed [1983] **3** 448, HL
R v Windsor Licensing Justices, ex p Hodes [1983] **2** 551, CA
R (a minor) (child in care: access), Re [1983] **2** 929, CA
Rainbow v Moorgate Properties Ltd [1975] **2** 821, CA
Considered, Roberts Petroleum Ltd v Bernard Kenny Ltd (in liq) [1983] **1** 564
Rank Film Distributors Ltd v Video Information Centre [1980] **2** 273, CA
Affirmed [1981] **2** 76, HL
Considered, A-G's Reference (No 1 of 1982) [1983] **2** 721
Rapley v Rapley. *See* Rapley's Estate, Re
Rapley's Estate, Re [1983] **3** 248, ChD
Rayner (J H) (Mincing Lane) Ltd, Banque de l'Indochine et de Suez SA v. *See* Banque de l'Indochine et de Suez SA v J H Rayner (Mincing Lane) Ltd
Receiver for the Metropolitan Police District, Land Securities plc v. *See* Land Securities plc v Receiver for the Metropolitan Police District
Redspring Ltd v Francis [1973] **1** 640, CA
Dictum considered, Hill v Rochard [1983] **2** 21
Regazzoni v Sethia (K C) (1944) Ltd [1956] **1** 229, QBD
Affirmed [1956] **2** 487, CA
Affirmed [1957] **3** 286, HL
Considered, X AG v A bank [1983] **2** 464
Registry of Friendly Societies, Nationwide Building Society v. *See* Nationwide Building Society v Registry of Friendly Societies
Reid v Dawson [1954] **3** 498, CA
Considered, Epsom and Ewell BC v C Bell (Tadworth) Ltd [1983] **2** 59
Reigate v Union Manufacturing Co (Ramsbottom) Ltd [1918-19] 143, CA
Applied, Wettern Electric Ltd v Welsh Development Agency [1983] **2** 629
Republic of Bolivia v Indemnity Mutual Marine Assurance Co Ltd [1908-10] 260, CA
Applied, Athens Maritime Enterprises Corp v Hellenic Mutual War Risks Association (Bermuda) Ltd [1983] **1** 590
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Rhone, ex p, R v Police Complaints Board. *See* R v Police Complaints Board, ex p Madden
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Dictum explained, Hills v Ellis [1983] **1** 667
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Ridge v Baldwin [1961] **2** 523, QBD
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Rochem Ltd, Sybron Corp v. *See* Sybron Corp v Rochem Ltd
Rodriguez v Parker [1966] **2** 349, QBD
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Rogers v Booth [1937] **2** 751, CA
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Applied, Re Islington Metal and Plating Works Ltd [1983] **3** 218
Rother DC, Fellowes v. *See* Fellowes v Rother DC
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S

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Considered, R v Secretary of State for the Environment, ex p Brent London BC [1983] 3 321
St Anna, The [1983] 2 691, QBD
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Dictum applied, The Abidin Daver [1983] 3 46
Salem, The. *See* Shell International Petroleum Co Ltd v Gibbs
Salen Rederierna AB, Antaios Cia Naviera SA v. *See* Antaios Cia Naviera SA v Salen Rederierna AB
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Savjani v IRC [1981] 1 1121, CA
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Affirmed [1973] 2 39, HL
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Considered, Power Packing Casemakers Ltd v Faust [1983] 2 166
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Reversed [1940] 3 349, HL
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Seymour, R v. *See* R v Seymour
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Affirmed [1982] 1 698, CA
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Sidnell v Wilson [1966] **1** 681, CA
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Simms (Martin) (Cheltenham) Ltd, Johns v. *See* Johns v Martin Simms (Cheltenham) Ltd
Simpson, Conry v. *See* Conry v Simpson
Simpson, R v. *See* R v Simpson
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Skinner v Northallerton County Court Judge [1895-9] 1288, HL
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Skips A/S Nordheim v Syrian Petroleum Co Ltd [1983] **2** 375, QBD
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Slater v Clay Cross Co Ltd [1956] **2** 625, CA
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Smith Kline & French Laboratories Ltd v Bloch [1983] **2** 72, CA
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Considered, Bellerby v Carle [1983] **1** 1031
South Eastern Rail Co v Cooper [1923] 111, CA
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South Tameside Magistrates' Court, R v, ex p Rowland. *See* R v South Tameside Magistrates' Court, ex p Rowland
Southland Enterprise Co Ltd, Astro Exito Navegacion SA v (Chase Manhattan Bank NA intervening). *See* Astro Exito Navegacion SA v Southland Enterprise Co Ltd (Chase Manhattan Bank NA intervening)
Sparham-Souter v Town and Country Developments (Essex) Ltd [1976] **2** 65, CA
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Spartan Steel & Alloys Ltd v Martin & Co (Contractors) Ltd [1972] **3** 557, CA
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Spelthorne BC, Davy v. *See* Davy v Spelthorne BC
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Stipendiary Magistrate at Lambeth, R v, ex p McComb. *See* R v Stipendiary Magistrate at Lambeth, ex p McComb
Stitcher, Calabar Properties Ltd v. *See* Calabar Properties Ltd v Stitcher
Stockler v Fourways Estates Ltd [1983] **3** 501, QBD
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Strong & Co Ltd v Woodfield [1904-7] 953, HL
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Sudan Oil Seeds Co Ltd (No 2), Tracomin SA v. *See* Tracomin SA v Sudan Oil Seeds Co Ltd (No 2)
Suisse Atlantique Société d'Armement Maritime SA v NV Rotterdamsche Kolen Centrale [1966] **2** 61, HL
Followed, George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] **1** 108

Sullivan, R v. *See* R v Sullivan
Sutcliffe v Thackrah [1973] 2 1047, CA
Reversed [1974] 1 859, HL
Considered, Burgess v Purchase & Sons (Farms) Ltd [1983] 2 4
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Swain v West (Butchers) Ltd [1936] 1 224, KBD
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Swainston v Hetton Victory Club Ltd [1983] 1 1179, EAT & CA
Sweet v Parsley [1968] 2 337, QBD
Reversed [1969] 1 347, HL
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Syrian Petroleum Co Ltd, Skips A/S Nordheim v. *See* Skips A/S Nordheim v Syrian Petroleum Co Ltd

T

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Taylor v Mead [1961] 1 626, QBD
Considered, Backer v Secretary of State for the Environment [1983] 2 1021
Tehno-Impex v Gebr van Weelde Scheepvartkantoor BV [1981] 2 669, CA
Dicta considered, Polish Steam Ship Co v Atlantic Maritime Co [1983] 2 532
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Tiger Leasing SA, Unilever Computer Services Ltd v. *See* Unilever Computer Services Ltd v Tiger Leasing SA
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Affirmed [1979] 2 561, HL
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Torminster Properties Ltd v Green [1982] 1 420, ChD
Affirmed on different grounds [1983] 2 457, CA
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Considered, X AG v A bank [1983] 2 464
Tracomin SA v Sudan Oil Seeds Co Ltd [1983] 1 404, QBD
Affirmed [1983] 3 137, CA
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Reversed [1983] 3 140, CA
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Tradax Internacional SA v Cerrahogullari TAS [1981] 3 344, QBD
Considered, Lloyd v Wright [1983] 2 969
Travers (Joseph) & Sons Ltd v Cooper [1914-15] 104, CA
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Trustees of Henry Smith's Charity v Willson [1983] 1 73, CA
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Trusthouse Forte plc, O'Kelly v. *See* O'Kelly v Trusthouse Forte plc
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U

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Universal Oil Products Co, Export Credits Guarantee Dept v. *See* Export Credits Guarantee Dept v Universal Oil Products Co
University of Aston in Birmingham, Casson v. *See* Casson v University of Aston in Birmingham
University of the West Indies, Selvanayagam v. *See* Selvanayagam v University of the West Indies
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V

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Vancouver Malt and Sake Brewing Co Ltd v Vancouver Breweries Ltd [1934] 38, PC
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Distinguished, Alec Lobb (Garages) Ltd v Total Oil GB Ltd [1983] 1 944
Vane v Yiannopoullos [1964] 2 820, QBD
Affirmed [1964] 3 820, HL
Dictum applied, Bradshaw v Ewart-James [1983] 1 12
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Vasso, The. *See* The Vasso
Vasso (owners) v Vasso (cargo owners) [1983] 3 211, QBD
Vasso (cargo owners), Vasso (owners) v. *See* Vasso (owners) v Vasso (cargo owners)
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W

Wachtel v Wachtel [1973] 1 113, FamD
Varied [1973] 1 829, CA
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Waite v Government Communications Headquarters [1983] 2 1013, HL
Wales, Gibson v. *See* Gibson v Wales
Walker, Re [1944] 1 144, KBD
Affirmed [1983] 1 614, CA
Applied, Pickwell v Camden London BC [1983] 1 602
Walker v Walker [1978] 3 141, CA
Followed, Richards v Richards [1983] 1 1017
Walker v Walker [1983] 2 909, CA
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Wandsworth London Borough Council (No 3), Din v. *See* Din v Wandsworth London Borough Council (No 3)
Ward v Ward and Greene [1980] 1 176, CA
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Waters v Monarch Fire and Life Assurance Co [1843-60] 654, QB
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Watts, R v. *See* R v Watts
WEA Records Ltd v Visions Channel 4 Ltd [1983] 2 589, CA
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Considered, Blackshaw v Lord [1983] 2 311
Weerasuriya, ex p, R v Immigration Appeal Tribunal. *See* R v Immigration Appeal Tribunal, ex p Weerasuriya
Weld-Blundell v Stephens [1920] 32, HL
Dictum applied, P Perl (Exporters) Ltd v Camden London BC [1983] 3 161
Welsh Development Agency, Wettern Electric Ltd v. *See* Wettern Electric Ltd v Welsh Development Agency
West v West [1977] 2 705, CA
Followed, Robinson v Robinson [1983] 1 391
West, Adsett v. *See* Adsett v West

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White v White [1983] 2 51, CA
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Followed, Re Poh [1983] 1 287
Whitehouse v Jordan [1980] 1 650, CA
Affirmed [1981] 1 267, HL
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Considered, Ashcroft v Mersey Regional Health Authority [1983] 2 245
Whittaker v Campbell [1983] 3 582, QBD
Whitter v Peters. *See* Peart v Stewart
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Wicks v Firth (Inspector of Taxes) [1981] 1 506, ChD
Reversed [1982] 2 9, CA
Reversed [1983] 1 151
Williams v Home Office [1981] 1 1151, QBD
Applied, Buckley v Law Society [1983] 2 1039
Willmott v Atack [1976] 3 794, QBD
Dictum explained, Moore v Green [1983] 1 663
Dictum explained, Hills v Ellis [1983] 1 667
Distinguished, Hills v Ellis [1983] 1 667
Willson, Trustees of Henry Smith's Charity v. *See* Trustees of Henry Smith's Charity v Willson
Wilson, In the Estate of [1952] 1 852, Prob
Distinguished, Re Rapley's Estate [1983] 3 248
Wilson (Clarence), R v. *See* R v Wilson (Clarence), R v Jenkins (Edward John)
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Wong Chit Sen, Tse Kwong Lam v. *See* Tse Kwong Lam v Wong Chit Sen
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Wright, Dawson v. *See* Lloyd v Wright
Wright, Lloyd v. *See* Lloyd v Wright
Wright (Frank H) (Construction) Ltd v Frodoor Ltd [1967] 1 433, QBD
Applied, Burgess v Purchase & Sons (Farms) Ltd [1983] 2 4
Wurzal v Addison [1965] 1 20, QBD
Considered, Backer v Secretary of State for the Environment [1983] 2 1021
Wynn, Landolt v. *See* Wynn (decd), Re
Wynn (decd), Re [1983] 3 310, ChD

X

X AG v A bank [1983] 2 464, QBD

Y

Y (a minor) (child in care : access), Re [1975] 3 348, CA
Dictum explained, Re R (a minor) (child in care : access) [1983] 2 929
Yorke (M V) Motors (a firm) v Edwards [1982] 1 1024, HL
Dictum distinguished, European Asian Bank AG v Punjab and Sind Bank [1983] 2 508
Young v Secretary of State for the Environment [1983] 2 1105, HL
Young, Austen & Young Ltd v British Medical Association [1977] 2 884, ChD
Disapproved, Lloyds Bank Ltd v City of London Corp [1983] 1 92

Z

Z Ltd v A [1982] 1 556, CA
Dicta applied, PCW (Underwriting Agencies) Ltd v Dixon [1983] 2 158
Zamir v Secretary of State for the Home Dept [1979] 2 849, QBD
Affirmed [1980] 1 1041, CA
Affirmed [1980] 2 768, HL
Applied, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Dictum disapproved, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Overruled, Khawaja v Secretary of State for the Home Dept [1983] 1 765
Zehil (Robert) & Co Ltd, Paula Lee Ltd v. *See* Lee (Paula) Ltd v Robert Zehil & Co Ltd

PRACTICE DIRECTIONS AND NOTES

Appeal—
dismissal by consent [1983] **1** 448, CA
documents [1983] **2** 416, CA
estimated length [1983] **3** 544, CA
Bundle of documents [1983] **3** 33, CA
Chambers—
Queen's Bench Division—
new procedure [1983] **1** 1119, QBD
Chancery Division—
applications by post or telephone [1983] **2** 541, ChD, [1983] **2** 672, FamD
interlocutory applications outside London [1983] **3** 544, ChD
new procedure [1983] **1** 131, ChD
Child—
independent welfare reports [1983] **1** 1097, FamD
removal from jurisdiction [1983] **2** 253, FamD
Contempt of court—
application for release of contemnor [1983] **2** 1066, FamD
reports of proceedings—
postponement [1983] **1** 64, QBD
Court of Appeal—
single judge [1983] **2** 199, CA
skeleton arguments [1983] **2** 34, CA
Crown Court—
bail [1983] **2** 261, LC
bail pending appeal [1983] **3** 608, CA
Crown Office list—
uncontested proceedings—
applications outside London—
delay [1983] **2** 1020, QBD
Funds in court—
investment [1983] **1** 928, LC
transfer from county court—
minors' funds [1983] **1** 800, QBD
House of Lords—
petitions for leave to appeal—
competency [1983] **1** 524, HL
Interest—
pleading [1983] **1** 934, QBD
Land—
registration—
production of register of title [1983] **1** 352, QBD
Lists—
Chancery Division [1983] **1** 1145, ChD
Long vacation business [1983] **1** 1098, QBD
Matrimonial home—
rights occupation [1983] **2** 1088, FamD
Mental health—
patient's property [1983] **3** 255, Ct of Protection
solicitors' costs [1983] **3** 192, Ct of Protection
Minor—
maintenance—
school fees [1983] **2** 679, FamD
Payment into court—
Queen's Bench Division [1983] **2** 35, QBD

Sale of land—
sale by court—
fees [1983] 1 160, FamD

STATUTES CONSIDERED

A - PUBLIC GENERAL STATUTES

Administration of Justice Act 1956
s 35(1) .. [1983] 1 564

Agricultural Holdings Act 1948
s 2(1) .. .. [1983] 2 59

Arbitration Act 1950
s 12(1) .. [1983] 3 211
s 12(6) .. [1983] 3 211
s 12(6)(*a*) .. [1983] 3 428
s 22 .. .. [1983] 2 200
s 23 .. .. [1983] 2 200
s 27 .. .. [1983] 3 602
s 32 .. .. [1983] 1 382

Arbitration Act 1975
s 3 .. .. [1983] 2 754

Arbitration Act 1979
s 1 .. .. [1983] 2 200
s 1(3)(*b*) .. [1983] 3 777
s 1(6A) .. [1983] 3 777

Army Act 1955
s 203(1) .. [1983] 2 909
s 203(2) .. [1983] 2 909

Bail Act 1976
s 5(6A) .. [1983] 2 261

Bankruptcy Act 1914
s 1(1)(*g*) .. [1983] 3 545
s 30 .. .. [1983] 3 218

Bankruptcy and Deeds of Arrangement Act 1913
s 15 .. .. [1983] 2 945

Bills of Exchange Act 1882
[1983] 1 934

Building Societies Act 1962
s 1(1) .. .. [1983] 3 296

Capital Allowances Act 1968
s 84(1) .. [1983] 2 681

Caravan Sites and Control of Development Act 1960
s 29(1) .. [1983] 2 1021

Carriage by Air Act 1961
Sch 1, art 18 [1983] 1 557
Sch 1, art 22(1) [1983] 3 693
Sch 1, art 25 [1983] 3 693

Carriage of Goods by Road Act 1965
Sch, art 32(1) [1983] 1 692
Sch, art 32(2) [1983] 1 692

Carriage of Goods by Sea Act 1936 (US)
s 4(2)(*a*) .. [1983] 1 672

Charging Orders Act 1979
s 1(2) .. .. [1983] 1 352

Children Act 1975
Sch 1, para 3(2) [1983] 3 173
Sch 1, para 3(5) [1983] 3 173

Children and Young Persons Act 1969
s 7(7) .. .. [1983] 1 219

Civil Evidence Act 1968
s 4(1) .. .. [1983] 1 849

Civil Jurisdiction and Judgments Act 1982
s 32 .. .. [1983] 2 404, [1983] 3 137
s 33 .. .. [1983] 1 404
s 33(1) .. [1983] 3 137
Sch 13, para 8 [1983] 1 404
Sch 13, Part II, para 8(1) .. [1983] 3 137

Companies Act 1948
s 95 .. .. [1983] 3 204
s 225(2) .. [1983] 2 854
s 287 .. .. [1983] 2 36
s 293(1) .. [1983] 2 1025
s 293(7) .. [1983] 2 1025
s 316 .. .. [1983] 3 218
s 317 .. .. [1983] 3 218

Companies Act 1980
s 75 .. .. [1983] 2 854

Companies Act 1980 (cont)
s 75(1) .. [1983] 2 36

Companies Act 1981
s 46(1) .. [1983] 2 36
s 47 .. .. [1983] 2 36

Contempt of Court Act 1981
s 4(2) .. .. [1983] 1 64
s 11 .. .. [1983] 1 64
s 14(1) .. [1983] 1 859

Costs Criminal Cases Act 1973
s 3(3)(*a*) .. [1983] 3 186

Costs in Criminal Cases Act 1973
s 4(1)(*a*) .. [1983] 2 417
s 7(1) .. .. [1983] 1 1006
s 7(3) .. .. [1983] 1 1006
s 7(4) .. .. [1983] 1 1006

County Courts Act 1959
s 174A .. [1983] 1 800

Criminal Appeal Act 1968
s 1(2) .. .. [1983] 3 608
s 11(1A) .. [1983] 3 608
s 17(1)(*a*) .. [1983] 3 637
s 31(3) .. [1983] 3 263

Criminal Damage Act 1971
s 1(1) .. .. [1983] 1 978, [1983] 2 1005
s 1(3) .. .. [1983] 1 978

Criminal Evidence Act 1898
s 1(*f*)(ii) .. [1983] 1 369, [1983] 3 101

Criminal Evidence Act 1965
s 1(1) .. .. [1983] 2 645

Criminal Justice Act 1967
s 9 .. .. [1983] 2 29

Criminal Justices (Amendment) Act 1981
s 1 .. .. [1983] 1 460

Criminal Law Act 1967
s 2(4) .. .. [1983] 3 526
s 6(3) .. .. [1983] 1 993, 1000, [1983] 3 448

Criminal Procedure Act 1865
s 8 .. .. [1983] 2 645

Criminal Procedure (Insanity) Act 1964
s 5(1) .. .. [1983] 1 577, [1983] 2 673

Crown Proceedings Act 1947
s 27(1) .. [1983] 1 508

Customs and Excise Management Act 1979
s 170(2) .. [1983] 2 625

Defamation Act 1952
s 7(1) .. .. [1983] 2 311
Sch, para 12 .. [1983] 2 311

Diplomatic Privileges Act 1964
Sch 1, art 1 .. [1983] 1 658
Sch 1, art 31 [1983] 1 658
Sch 1, art 37 [1983] 1 658

Domestic Proceedings and Magistrates' Courts Act 1978
s 1(*c*) .. .. [1983] 1 905
s 2 .. .. [1983] 1 391
s 2(1) .. .. [1983] 1 905
s 3(1)(*g*) .. [1983] 1 391

Domestic Violence and Matrimonial Proceedings Act 1976
s 1 .. .. [1983] 2 1088
s 2(1) .. .. [1983] 2 51
s 2(2) .. .. [1983] 2 51

Education Act 1962
s 1 .. .. [1983] 1 226

Employment Act 1980
s 17(3) .. [1983] 2 189
s 17(6) .. [1983] 1 334, [1983] 2 189

Employment Protection (Consolidation) Act 1978
[1983] 3 747
s 58 .. .. [1983] 1 796
s 62(1)(*b*) .. [1983] 2 166
s 67(2) .. [1983] 1 1179
s 136(1) .. [1983] 3 456
s 153(1) .. [1983] 3 456
Sch 13, para 9(1)(*b*) .. .. [1983] 1 753

European Communities Act 1972
s 3(1) .. .. [1983] 1 434

Extradition Act 1870
s 14 .. .. [1983] 2 123

Extradition Act 1873
s 4 .. .. [1983] 2 123

Fair Trading Act 1973
s 73(2) .. [1983] 2 233
s 73(3) .. [1983] 2 233

Family Law Reform Act 1969
s 7(2) .. .. [1983] 1 219

Finance Act 1965
s 45(3) .. [1983] 2 976
Sch 7, para 20(1) [1983] 2 976

Finance Act 1971
s 41(1) .. [1983] 2 681

Finance Act 1972
s 35(2) .. [1983] 3 654

Finance Act 1973
s 38(4) .. [1983] 1 133
s 38(6) .. [1983] 1 133

Finance Act 1975
Sch 5, para 6(2) [1983] 3 481
Sch 5, para 6(7) [1983] 3 481

Finance Act 1976
s 61(1) .. [1983] 1 151
s 61(3) .. [1983] 1 151
s 72(3) .. [1983] 1 151

Gaming Act 1968
s 16(1) .. [1983] 1 1148

General Rate Act 1967
s 7 .. .. [1983] 1 277
s 39(2) .. [1983] 1 641

General Rate Act 1967 (cont)
s 68(1) .. [1983] 3 609
s 103(1)(*a*) .. [1983] 2 897

Guardianship of Infants Act 1971
s 13(3) .. [1983] 1 475

Guardianship of Minors Act 1971
s 1 .. .. [1983] 2 807

Highways Act 1980
s 31(1) .. [1983] 2 1031

House of Commons (Redistribution of Seats) Act 1949
s 2(1)(*a*) .. [1983] 1 1099
Sch 2, r 4 .. [1983] 1 1099
Sch 2, r 5 .. [1983] 1 1099
Sch 2, r 6 .. [1983] 1 1099

House of Commons (Redistribution of Seats) Act 1958
s 2(2) .. .. [1983] 1 1099

Housing Act 1980
s 37(1) .. [1983] 3 122

Housing (Homeless Persons) Act 1977
s 5(1)(*a*) .. [1983] 2 481, [1983] 2 1111
s 5(7) .. .. [1983] 2 481
s 18(1)(*a*) .. [1983] 2 481, [1983] 2 1111

Immigration Act 1971
s 2(3)(*d*) .. [1983] 1 208
s 8(5) .. .. [1983] 1 208
s 13 .. .. [1983] 1 208
s 13(2) .. [1983] 2 864
s 14 .. .. [1983] 1 208, [1983] 2 844
s 14(1) .. [1983] 2 1045
s 19(1) .. [1983] 1 195
s 19(2) .. [1983] 2 289
s 33(1) .. [1983] 1 765, [1983] 2 864

Income and Corporation Taxes Act 1970
s 42 .. .. [1983] 2 976
s 108, Sch D, para 1(*a*) .. [1983] 3 681
s 109(2), Case III, para (*b*) .. [1983] 3 681
s 130(*a*) .. [1983] 1 801 [1983] 2 1095
s 181(1) .. [1983] 1 542
s 183(1) .. [1983] 1 542
s 204 .. [1983] 1 133
s 375(1) .. [1983] 1 151
s 460 .. [1983] 2 300
s 465 .. [1983] 2 300

Iron and Steel Act 1969
s 8(1) .. .. [1983] 1 203

Juries Act 1974
s 17(3) .. [1983] 1 56

Land Charges Act 1972
s 6(1)(*a*) .. [1983] 3 501

Land Compensation Act 1973
s 37(1)(*a*) .. [1983] 2 140

Land Compensation (Scotland) Act 1963
s 25 .. .. [1983] 3 673

Land Registration Act 1925
s 112(2) .. [1983] 1 352
s 112(3) .. [1983] 1 352

Landlord and Tenant Act 1954
s 37(1) .. [1983] 1 92

Law of Property Act 1925
s 36(2) .. [1983] 3 242
s 62(1) .. [1983] 3 503
s 78 .. .. [1983] 3 503

Law Reform (Miscellaneous Provisions) Act 1934
s 1 .. .. [1983] 2 985
s 1(1) .. .. [1983] 3 561
s 3 .. .. [1983] 2 698

Leasehold Property (Repairs) Act 1938
s 1(5) .. .. [1983] 2 254

Leasehold Reform Act 1967
s 3(1) .. .. [1983] 2 961

Legal Aid Act 1974
s 28(7) .. [1983] 3 263
s 28(8) .. [1983] 3 270
s 30(1) .. [1983] 3 263
s 30(7) .. [1983] 3 263
s 30(7)(*a*) .. [1983] 3 270
s 30(9) .. [1983] 3 263, 270
s 31(3) .. [1983] 3 263

Licensing Act 1964
s 3 .. .. [1983] 2 545
s 7(4) .. .. [1983] 2 551
s 180(1) .. [1983] 2 915
s 180(2) .. [1983] 2 915

Limitation Act 1980
s 11 .. .. [1983] 3 369
s 32(1)(*c*) .. [1983] 3 193
s 33 .. .. [1983] 3 369

Local Government Act 1972
s 161 .. .. [1983] 1 602
s 222(1)(*a*) .. [1983] 2 787

Local Government, Planning and Land Act 1980
s 48 .. .. [1983] 3 321
s 49 .. .. [1983] 3 321
s 50 .. .. [1983] 3 321

London Building Act 1963
Sch 9, Part III, para 13 .. .. [1983] 3 417
Sch 9, Part III, para 15 .. .. [1983] 3 417

London County Council (Improvements) Act 1962
s 17 .. .. [1983] 1 1159
s 50(3)(*a*) .. [1983] 1 1159

Magistrates' Courts Act 1980
s 8(2A) .. [1983] 1 460
s 10 .. .. [1983] 1 6
s 18 .. .. [1983] 1 901
s 20(3)(*b*) .. [1983] 1 901
s 95 .. .. [1983] 1 475
s 120(3) .. [1983] 1 530
s 142 .. .. [1983] 1 6

Matrimonial Causes Act 1967
s 4 .. .. [1983] 2 1088

Matrimonial Causes Act 1973
s 8(1) .. .. [1983] 3 615
s 24(1)(*a*) .. [1983] 1 478
s 24(1)(*b*) .. [1983] 1 478, 486
s 24A(1) .. [1983] 1 486
s 31 .. .. [1983] 1 478
s 31(2)(*f*) .. [1983] 1 486
s 43(5) .. [1983] 2 929

Matrimonial Homes Act 1967
s 1 .. .. [1983] 2 807, 1088

Matrimonial Homes Act 1983
s 9 .. .. [1983] 2 1088

Mental Health Act 1959
s 60(2) .. [1983] 1 901

Mental Health Act 1983
s 96(1)(*d*) .. [1983] 3 255
s 96(4) .. [1983] 3 255
s 97 .. .. [1983] 3 255

Merchant Shipping Act 1894
s 419(2) .. [1983] 1 12
s 503(1) .. [1983] 2 532
s 504 .. .. [1983] 2 532

Merchant Shipping (Liability of Shipowners and Others) Act 1958
s 1(4) .. .. [1983] 2 532

Mines and Quarries Act 1954
s 37 .. .. [1983] 1 375
s 157 .. .. [1983] 1 375

Misrepresentation Act 1967
s 2(1) .. .. [1983] 2 1

Misuse of Drugs Act 1971
s 5(3) .. .. [1983] 3 444
Sch 2, Part I, para 1 .. .. [1983] 3 444

National Health Service Reorganisation Act 1973
s 16 .. .. [1983] 2 384

Occupiers' Liability Act 1957
s 2 .. .. [1983] 3 729

Occupiers' Liability (Scotland) Act 1960
s 2(1) .. .. [1983] 3 770
s 2(3) .. .. [1983] 3 770

Offences against the Person Act 1861
s 18 .. .. [1983] 2 503
s 20 .. .. [1983] 1 993, [1983] 2 503, [1983] 3 230, 448
s 47 .. .. [1983] 3 448

Police Act 1964
s 51(1) .. [1983] 3 537
s 51(3) .. [1983] 1 663, 667

Police Act 1976
s 3(2) .. .. [1983] 2 353

Port of London Act 1968
s 66(1)(*b*) .. [1983] 1 1159

Post Office Act 1969
s 29 .. .. [1983] 1 557

Powers of Criminal Courts Act 1973
s 35(1) .. [1983] 1 456

Prevention of Corruption Act 1906
s 1 .. .. [1983] 2 87

Prevention of Corruption Act 1916
s 2 .. .. [1983] 2 87

Prevention of Crime Act 1953
s 1(1) .. .. [1983] 1 869, [1983] 3 789
s 1(4) .. .. [1983] 1 869, [1983] 3 789

Prison Act 1952
s 7(1) .. .. [1983] 3 589

Protection of Trading Interests Act 1980
s 1 .. .. [1983] 3 375
s 2 .. .. [1983] 3 375

Public Health Act 1936
s 107(1) .. [1983] 1 359
s 283(1) .. [1983] 1 359

Public Health Acts Amendment Act 1890
s 51 .. .. [1983] 1 1012

Public Utilities Street Works Act 1950
s 18(2) .. [1983] 1 892, [1983] 3 273

Race Relations Act 1976
s 1(1)(*b*) .. [1983] 1 1062
s 3(1) .. .. [1983] 1 1062

Railway Clauses Consolidation Act 1845
s 68 .. .. [1983] 1 257

Rent Act 1977
s 3(3) .. .. [1983] 1 73
s 98(1)(*a*) .. [1983] 2 21
s 137 .. .. [1983] 1 73
Sch 15, para 5(1)(*b*) .. .. [1983] 2 21

Rent (Socland) Act 1971
s 42(2) .. [1983] 3 65

Representation of the People Act 1949
s 110(2) .. [1983] 3 72
s 115(6) .. [1983] 3 72

Road Traffic Act 1972
s 101(1) .. [1983] 3 1
s 143(1) .. [1983] 1 353
s 145(3)(*a*) .. [1983] 1 353

Sale of Goods Act 1979
s 55 .. .. [1983] 1 108, [1983] 2 737

Sex Discrimination Act 1975
s 1 .. .. [1983] 2 864
s 1(1)(*a*) .. [1983] 1 398
s 29(1) .. [1983] 1 398, [1983] 2 864

Sexual Offences Act 1956
s 14(1) .. [1983] 3 316
s 30 .. .. [1983] 2 12
s 33 .. .. [1983] 1 525

Sexual Offences Act 1967
s 5(1) .. .. [1983] 2 12

Shops Act 1950
s 47 .. .. [1983] 2 787

Shops Act 1950 (cont)
s 71(1) .. [1983] 2 787

Social Security Act 1975
s 38(1) .. [1983] 3 173
s 38(2) .. [1983] 3 173
s 38(6) .. [1983] 3 173

Social Security Act 1980
s 14(2) .. [1983] 1 537

Socicitors Act 1974
Sch 1, para 1(2) [1983] 2 1039

Solicitors Act 1974
Sch 1, para 6(4) [1983] 2 1039
Sch 1, para 6(5) [1983] 2 1039

State immunity Act 1978
s 6 .. .. [1983] 1 658, [1983] 2 495
s 16(1)(*b*) .. [1983] 1 658, [1983] 2 495

Supreme Court Act 1981
s 16(1) .. [1983] 2 589
s 18(1)(*a*) .. [1983] 1 321
s 20(2)(*h*) .. [1983] 2 691
s 31(1) .. [1983] 1 241, [1983] 3 300
s 31(2) .. [1983] 1 241, [1983] 3 300
s 35A .. .. [1983] 1 934
s 37 .. .. [1983] 3 15
s 51(1) .. [1983] 3 153
s 58(1) .. [1983] 1 699
s 72(1) .. [1983] 2 596
s 72(2)(*c*) .. [1983] 2 596
s 72(5)(*b*) .. [1983] 2 596
s 81(1B) .. [1983] 3 608

Supreme Court of Judicature (Consolidation) Act 1925
s 47 .. .. [1983] 2 725

Taxes Management Act 1970
s 46(2) .. [1983] 3 257

Theft Act 1968
s 1(1) .. .. [1983] 2 448, [1983] 3 288
s 3(1) .. .. [1983] 2 448, [1983] 3 288
s 9(1)(*b*) .. [1983] 1 1000, [1983] 3 448
s 12(1) .. [1983] 3 582
s 15 .. .. [1983] 1 829
s 15(1) .. [1983] 2 448, [1983] 3 288
s 16 .. .. [1983] 1 829
s 22(1) .. [1983] 2 1089
s 27(3) .. [1983] 2 1089

Torts (Interference with Goods) Act 1977
s 3 .. .. [1983] 2 184

Town and Country Planning Act 1971
s 23(9) .. [1983] 2 1105
s 52(3) .. [1983] 1 818
s 88(2) .. [1983] 3 278
s 89(5) .. [1983] 1 1057
s 90(1) .. [1983] 2 46
s 90(2) .. [1983] 2 46
s 90(7) .. [1983] 2 46
s 112(1)(*d*) .. [1983] 1 836
s 243(1)(*a*) .. [1983] 3 278
s 245(1) .. [1983] 1 439
s 277A(2) .. [1983] 1 818

Trade Marks Act 1938
s 28(6) .. [1983] 2 609

Trade Union and Labour Relations Act 1974
s 13(1) .. [1983] 2 189
s 15 .. .. [1983] 3 6
Sch 1, para 10(*b*) [1983] 2 1013

Transport Act 1981
s 19(1) .. [1983] 3 1
s 19(2) .. [1983] 3 756
Sch 7 .. .. [1983] 3 1

Transport (London) Act 1969
s 1 .. .. [1983] 2 262
s 5(1) .. .. [1983] 2 262
s 7(3)(*b*) .. [1983] 2 262
s 7(6) .. .. [1983] 2 262

Trial of Lunatics Act 1883
s 2(1) .. .. [1983] 1 577, [1983] 2 673

Trustee Act 1925
s 57(1) .. [1983] 2 1078

Weights and Measures Act 1963
s 16(1) .. [1983] 1 1031

Wills Act 1837
s 11 .. .. [1983] 3 248

C - ECCLESIASTICAL MEASURES

Pastoral Measure 1968
s 8(2) .. .. [1983] 3 17

F - COMMONWEALTH AND OTHER TERRITORIES

New Zealand

Historic Articles Act 1962 (New Zealand)
s 12(2) .. [1983] 2 93

Trinidad and Tobago

Compensation for Injuries Ordinance (Trinidad and Tobago)
s 8 .. .. [1983] 2 341

G - RULES OF THE SUPREME COURT

RSC (Revision) 1962, 1965
Ord 3, r 3 .. [1983] 1 1098
Ord 6, r 2(1)(*b*) [1983] 1 934
Ord 11, r 1(*f*)(iii) [1983] 1 873
Ord 11, r 1(1)(*b*) [1983] 1 629
Ord 11, r 1(1)(*e*) [1983] 1 629
Ord 11, r 1(1)(*f*) [1983] 1 629, [1983] 2 563, 884
Ord 11, r 1(1)(*h*) [1983] 2 563
Ord 11, r 1(1)(*j*) [1983] 2 563
Ord 11, r 4(2) [1983] 2 884
Ord 13, r 1(2) [1983] 1 934

RSC (Revision) 1962, 1965 (cont)
Ord 14, r 3 .. [1983] 2 424
Ord 14, r 3(1) [1983] 2 508
Ord 14, r 4 .. [1983] 2 424
Ord 17, r 2(4) [1983] 2 945
Ord 17, r 8 .. [1983] 2 935
Ord 18, r 1 .. [1983] 2 921
Ord 18, r 5 .. [1983] 1 1098
Ord 18, r 8 .. [1983] 1 934
Ord 19, r 1 .. [1983] 2 921
Ord 20, r 5 .. [1983] 1 310
Ord 20, r 11 .. [1983] 3 72
Ord 21, r 3(1) [1983] 1 92
Ord 22, r 1(8) [1983] 1 934
Ord 29, r 1 .. [1983] 1 1119
Ord 38, r 3(1) [1983] 1 849
Ord 38, r 37 .. [1983] 1 855, [1983] 3 147
Ord 41 .. [1983] 3 33
Ord 49, r 1 .. [1983] 1 508
Ord 50, r 5 1(6) [1983] 1 564
Ord 53 .. [1983] 1 287, 524, 765, [1983] 3 300
Ord 53, r 1(1)(*a*) [1983] 1 241
Ord 53, r 1(2) [1983] 1 241
Ord 53, r 4 .. [1983] 2 1020
Ord 53, r 9(5) [1983] 1 241
Ord 58, r 1 .. [1983] 1 131
Ord 59, r 9(1) [1983] 2 416
Ord 59, r 14(11) [1983] 1 699
Ord 62, r 29(1) [1983] 1 465
Ord 64, r 3 .. [1983] 1 1098
Ord 90, r 17 .. [1983] 2 1088
Ord 113 .. [1983] 1 131

H - COUNTY COURT RULES

County Court Rules 1936
Ord 15, r 3(2) [1983] 1 310
Ord 19, r 1(4) [1983] 3 179
Ord 19, r 1(11) [1983] 3 179

I - MATRIMONIAL CAUSES RULES

Matrimonial Causes Rules 1977
r 48(1)(*a*) .. [1983] 3 621
r 66(2) .. .. [1983] 3 618
r 104 .. .. [1983] 2 1088
r 107 .. .. [1983] 2 1088
r 124(1) .. [1983] 3 621

K - OTHER RULES

Bankruptcy Rules 1952
r 31 .. .. [1983] 3 545
r 32 .. .. [1983] 3 545
r 137 .. .. [1983] 3 545
r 138 .. .. [1983] 3 545
r 141 .. .. [1983] 3 545
r 154 .. .. [1983] 3 545
App I, Form 6 [1983] 3 545
App I, Form 7 [1983] 3 545

County Court Funds (Amendment) Rules 1983
[1983] 1 928

Court of Protection Rules 1982
r 21 .. .. [1983] 3 255
r 45 .. .. [1983] 3 255

Criminal Appeal Rules 1968
r 12 .. .. [1983] 3 263

Crown Court Rules 1982
r 19 .. .. [1983] 2 261
r 20 .. .. [1983] 2 261

Employment Appeal Tribunal Rules 1980
r 27 .. .. [1983] 1 1094

Immigration Appeals (Procedure) Rules 1972
r 8(1) .. .. [1983] 1 195
r 14(2)(*b*) .. [1983] 2 1045
r 18(1) .. .. [1983] 2 289
r 29(1) .. .. [1983] 2 289

Magistrates' Courts Rules 1981
r 15 .. .. [1983] 1 6
r 44 .. .. [1983] 1 475
r 66(1) .. .. [1983] 1 490
r 66(2) .. .. [1983] 1 490
r 99 .. .. [1983] 1 6

Supreme Court Funds (Amendment) Rules 1983
[1983] 1 928, [1983] 2 35

Supreme Court Funds Rules 1975
r 22(4) .. .. [1983] 1 800

L - REGULATIONS

Construction (General Provisions) Regulations 1961
reg 3(1) .. [1983] 1 127

Construction (Working Places) Regulations 1966
reg 3 .. .. [1983] 1 973

Legal Aid (General) Regulations 1980
reg 60(1) .. [1983] 2 841
reg 64(4) .. [1983] 2 841

Legal Aid in Criminal Proceedings (General) Regulations 1968
reg 12 .. .. [1983] 3 263, 270

Local Education Authority Awards Regulations 1979
reg 13 .. .. [1983] 1 226

Motor Vehicles (Construction and Use) Regulations 1978
reg 58 .. .. [1983] 1 215

Trade Union and Labour Relations Act 1974
s 13(1) .. [1983] 1 334

M - ORDERS

Carriage by Air Acts (Application of Provisions) Order 1967
Sch 2, Pt A, para 3
(12) .. [1983] 2 639

National Health Service (Transferred Local Authority Property) Order 1974
art 3(1) .. [1983] 2 384

Price Marking (Bargain Offers) Order 1979
art 2(1)(*a*) .. [1983] 3 234
art 3(1)(*b*) .. [1983] 3 234

Protection of Trading Interests (US Antitrust Measures) Order 1983
[1983] **3** 375

Rate Support Grant (Principles for Multipliers) Order 1980
para 3, Sch .. [1983] **3** 321

Steel Companies (Vesting) Order 1970
art 3 .. .. [1983] **1** 203

N - MISCELLANEOUS

Criminal Injuries Compensation Scheme (1979 revision)
para 6(*c*) .. [1983] **1** 936

EEC Council Regulation 17
art 14(3) .. [1983] **1** 705

EEC Council Regulation 3059/78
[1983] **1** 1042

EEC Treaty
art 30 .. .. [1983] **1** 434
art 36 .. .. [1983] **1** 434
art 85 .. .. [1983] **1** 705
art 86 .. .. [1983] **1** 705, [1983] **2** 770
art 177 .. [1983] **1** 1042
art 185 .. [1983] **1** 705

Statement of Changes in Immigration Rules (H of C Paper (1979-80) no 394)
para 48 .. [1983] **2** 844

WORDS AND PHRASES CONSIDERED

A

Absent from work on account of a temporary cessation of work [Employment Protection (Consolidation) Act 1978, Sch 13, para 9(1)(*b*)] [1983] **1** 753
Abuse ... of a dominant position within the common market [EEC Treaty, art 86] [1983] **2** 770
Accommodation works [Railway Clauses Consolidation Act 1845, s 68] [1983] **1** 257
Action [Town and Country Planning Act 1971, s 245] [1983] **1** 439
Adapted for human habitation [Caravan Sites and Control of Development Act 1960, s 29(1)] [1983] **2** 1021
Affirmation [Extradition Act 1873, s 4] [1983] **2** 123
All sub-freights [1983] **1** 1121
Amount to or include [Criminal Law Act 1967, s 6(3)] [1983] **3** 448
Another person [Finance Act 1975, Sch 5, para 6(7)] [1983] **3** 481
Any court below [Costs in Criminal Cases Act 1973, s 7(3)] [1983] **1** 1006
Any offence [Supreme Court Act 1981, s 72(5)(*b*)] [1983] **2** 596
Any other remedy [Companies Act 1948, s 225(2)] [1983] **2** 854
Any person ... arising out of [Road Traffic Act 1972, s 145(3)(*a*)] [1983] **1** 353
Appropriates [Theft Act 1968, ss 1(1), 3(1)] [1983] **3** 288
Article made or adapted for use for causing injury [Prevention of Crime Act 1953, s 1(4)] [1983] **1** 869 , [1983] **3** 789
At whose cost [Finance Act 1976, s 61(3)] [1982] **1** 151

B

Belongs [Finance Act 1971, s 41(1)(*b*)] [1983] **2** 681
Briefing counsel [1983] **2** 841
Brothel [Sexual Offences Act 1956, s 33] [1983] **1** 525

C

Charge [Army Act 1955, s 203(1)] [1983] **2** 909
Claim arising out of [an] agreement relating to the carriage of goods in a ship [Supreme Court Act 1981, s 20(2)(*h*)] [1983] **2** 691
Cocaine [Misuse of Drugs Act 1971, Sch 2, Pt I, para 1] [1983] **3** 444
Conditions of the charterparty [1983] **3** 645
Consent [Public Health Act 1936, s 107] [1983] **1** 359
Consent [Theft Act 1968, s 12(1)] [1983] **3** 582
Consideration [Prevention of Corruption Act 1916, s 2] [1983] **2** 87
Contract ... affecting land situate within the jurisdiction [RSC Ord 11, r 1(*b*)] [1983] **1** 629
Contract of service [1983] **3** 747
Contractor [Construction (Working Places) Regulations 1966, reg 3] [1983] **1** 973
Costs here and below [1983] **1** 1006
Costs ... incurred by [the accused] [Costs in Criminal Cases Act 1973, s 3(3)(*a*)] [1983] **3** 186
Costs incurred in or about the prosecution [Costs in Criminal Cases Act 1973, s 4(1)(*a*)] [1983] **2** 417
Criminal cause or matter [Supreme Court Act 1981, s 31(1)(*a*)] [1983] **1** 321

D

Damage [Carriage of Goods by Road Act 1965, Sch, art 32(1)] [1983] **1** 692
Damage resulting from ... offence [Powers of Criminal Courts Act 1973, s 35(1)] [1983] **1** 456
Decision [Social Security Act 1980, s 14(2)] [1983] **1** 537

Deed ... affecting land situate within the jurisdiction [RSC Ord 11, r 1(*b*)] [1983] **1** 629
Dependent [Statement of Changes in Immigration Rules (HC Paper (1979-80) No 394), para 48 [1983] **2** 844
Discount [Income and Corporation Taxes Act 1970, s 109(2), Case III, para (*b*)] [1983] **3** 681
Disorderly house [1983] **2** 12
Document [Criminal Evidence Act 1965, s 1(1)] [1983] **2** 645
Document which ... is to be taken as evidence of person's eligibility ... for entry [Immigration Act 1971, s 33(1)] [1983] **2** 864

E

Enforced [Mines and Quarries Act 1954, s 37(6)] [1983] **1** 375
Entry clearance [Immigration Act 1971, s 33(1)] [1983] **2** 864
Errors of navigation [1983] **1** 686
Ethnic or national origins [Race Relations Act 1976, s 3(1)] [1983] **1** 1062
Execute ... works [London County Council (Improvements) Act 1962, s 17] [1983] **1** 1159

F

Fundamental breach of contract [1983] **1** 108
Further order for the sale of ... property [Matrimonial Causes Act 1973, s 24A(1) (as inserted by s 7 of the Matrimonial Homes and Property Act 1981)] [1983] **1** 486

G

Goods of the same description [Price Marking (Bargain offers) Order 1979, art 3(1)(*b*)] [1983] **3** 234
Gross and obvious misconduct [1983] **1** 391
Ground for mitigating the normal consequences of the conviction [Transport Act 1981, s 19(2)] [1983] **3** 756

H

Have regard to [Police Act 1976, s 3(2)] [1983] **2** 353

I

Illegal entrant [Immigration Act 1971, s 33(1)] [1983] **1** 765
Immediately [Town and Country Planning Act 1971, s 112(1)] [1983] **1** 836
Imputations on the character of ... the witnesses for the prosecution [Criminal Evidence Act 1898, s 1(*f*)(ii)] [1983] **1** 369
In consequence of [Land Compensation Act 1973, s 37(1)(*a*)] [1983] **2** 140
In his possession [Weights and Measures Act 1963, s 16(1)] [1983] **1** 1031
In the interests of justice [Magistrates' Courts Act 1980, s 8(2A)] [1983] **1** 460
Incitement to commit an offence [1983] **1** 189
Income arising from a scholarship [Income and Corporation Taxes Act 1970, s 375(1)] [1983] **1** 151
Inferior court [1983] **3** 72
Inferior court [Contempt of Court Act 1981, s 14(1)] [1983] **1** 859
Inflict ... grievous bodily harm [Offences against the Person Act 1861, s 20] [1983] **1** 993
Inflict ... grievous bodily harm [Theft Act 1968, s 9(1)(*b*)] [1983] **1** 1000
Insanity [1983] **1** 577
Interest in, or possession of, immovable property [State Immunity Act 1978, s 6(1)] [1983] **2** 495
Is to be removed [Immigration Appeals (Procedure) Rules 1972, r 14(2)(*b*)] [1983] **2** 1045

K

Knowingly [Customs and Excise Management Act 1979, s 170(2)] [1983] **2** 625

L

Local authority [National Health Service (Transferred Local Authority Property) Order 1974, art 3(1)] [1983] **2** 384
Long tenancy [Leasehold Reform Act 1967, s 3(1)] [1983] **2** 961
Loss or damage arising or resulting from ... neglect in navigation [US Carriage of Goods by Sea Act 1936, s 4(2)(*a*)] [1983] **1** 672
Losses incurred [1983] **1** 1090

M

Man [Sexual Offences Act 1956, s 30] [1983] **2** 12
Man [Sexual Offences Act 1967, s 5(1)] [1983] **2** 12
Mariner or seaman at sea [Wills Act 1837, s 11] [1983] **3** 248
Married woman living with her husband [Income and Corporation Taxes Act 1970, s 42] [1983] **2** 976
Matter issued ... by or on behalf of a government department [Defamation Act 1952, Sch, para 12] [1983] **2** 311

Measures [Protection of Trading Interests Act 1980, s 1] [1983] 3 375
Met [Capital Allowances Act 1968, s 84(1)] [1983] 2 681
Misconducted [Arbitration Act 1950, s 23] [1983] 2 200

N

Needs [Matrimonial Homes Act 1967, s 1(3)] [1983] 2 807
Needs of the tenant ... as regards extent and character [Rent Act 1977, Sch 15, para 5(1)(*b*)] [1983] 2 21
Normal retiring age [Trade Union and Labour Relations Act 1974, Sch 1, para 10(*b*)] [1983] 2 1013
Normally resident [Housing (Homeless Persons) Act 1977, s 18(1)(*a*)] [1983] 2 1111
Notice [Bankruptcy and Deeds of Arrangement Act 1913, s 15] [1983] 2 945

O

Obligation [Iron and Steel Act 1969, s 8(1)] [1983] 1 203
Obligation [Steel Companies (Vesting) Order 1970, art 3] [1983] 1 203
Obvious and gross misconduct [1983] 1 391
Occasional licence [Licensing Act 1964, s 180(1)] [1983] 2 915
Occupier [1983] 1 277
On and since [a specified date] [1983] 1 1057
On surviving [Finance Act 1975, Sch 5, para 6(7)] [1983] 3 481
Order ... made ... for the purpose of enforcing a judgment [Land Charges Act 1972, s 6(1)(*a*)] [1983] 3 501
Ordinarily resident [Education Act 1962, s 1] [1983] 1 226
Ordinarily resident [Local Education Authority Awards Regulations 1979, reg 13(*a*)] [1983] 1 226
Other close relatives in their own country to turn to [Statement of Changes in Immigration Rules (HC Paper (1979-80) No 394), para 48] [1983] 2 844
Other industrial action [Employment Protection (Consolidation) Act 1978, s 62(1)(*b*)] [1983] 2 166
Overhang of a heavy motor car [Motor Vehicles (Construction and Use) Regulations 1978, r 58] [1983] 1 215

P

Parent [Social Security Act 1975, s 38(6)] [1983] 3 173
Party to a marriage [Domestic Violence and Matrimonial Proceedings Act 1976, s 2(1)(2)] [1983] 2 51
Payment to another person [Army Act 1955, s 203(1)] [1983] 2 909
Payment under reserve [1983] 1 1137
Perils [Lloyd's SG policy] [1983] 1 745
Person [Finance Act 1975, Sch 5, para 6(7)] [1983] 3 481
Personal injury ... or damage resulting from ... offence [Powers of Criminal Courts Act 1973, s 35(1)] [1983] 1 456
Piracy [1983] 1 590
Possession [Weights and Measures Act 1963, s 16(1)] [1983] 1 1031
Presented to the tribunal [Employment Protection (Consolidation) Act 1978, s 67(2)] [1983] 1 1179
Prison officer [Prison Act 1952, s 7(1)] [1983] 3 589
Proceedings in progress [Matrimonial Causes Act 1973, s 8(1)] [1983] 3 615
Proceedings in tort [Post Office Act 1969, s 29] [1983] 1 557
Proper party [RSC Ord 11, r 1(1)(*f*)] [1983] 2 563
Properly brought [RSC Ord 11, r 1(1)(*j*)] [1983] 2 563
Property used for the purposes of a diplomatic mission [State Immunity Act 1978, s 16(1)(*b*)] [1983] 1 658
Public demonstration [1983] 3 6
Public religious worship [Rent Act 1967, s 39(2)] [1983] 1 641
Purpose for which ... [the land] could lawfully have been used if that development had not been carried out [Town and Country Planning Act 1971, s 23(9)] [1983] 2 1105

R

Racial group [Race Relations Act 1976, ss 1(1)(*b*), 3(1)] [1983] 1 1062
Real action [Diplomatic Privileges Act 1964, Sch 1, art 31(1)(*a*)] [1983] 1 658
Reason for [dismissal] [Employment Protection (Consolidation) Act 1978, s 58] [1983] 1 796
Reasonable diligence [Limitation Act 1980, s 32(1)(*c*)] [1983] 3 193
Receipt from employment [Income and Corporation Taxes Act 1970, s 183(1)] [1983] 1 542
Reckless [Criminal Damage Act 1971, s 1(1)] [1983] 2 1005
Recklessly and with knowledge that damage would probably result [Carriage by Air Act 1961, Sch 1, art 25] [1983] 3 693
Record [Civil Evidence Act 1968, s 4(1)] [1983] 1 849
Regulation of places ordinarily used for public dancing or music [Public Health Acts Amendment Act 1980, s 55] [1983] 1 1012
Release ... of any debt ... in respect of any losses incurred by any person in ... gaming [Gaming Act 1968, s 16(1)] [1983] 1 1148
Reliance on information or advice [1983] 1 583
Relief in respect of a breach of contract [RSC Ord 11, r 1(*f*)] [1983] 1 629
Resident in the United Kingdom for a year of assessment [Income and Corporation Taxes Act 1970, s 42(2)(*b*)] [1983] 2 976
Right appertaining or reputed to appertain to land [Law of Property Act 1925, s 62(1)] [1983] 3 503
Riot [1983] 1 590

S

Seaman at sea [Wills Act 1837, s 11] [1983] **3** 248
Secondary action [Employment Act 1980, s 17(3)] [1983] **1** 334
Shall be forfeited [New Zealand Historic Articles Act 1962, s 12(2)] [1983] **2** 93
So far as practicable [Transport (London) Act 1969, s 7(3)(*b*)] [1983] **2** 262
Some other step in the proceedings [Arbitration Act 1950, s 27] [1983] **3** 602

T

Taking at sea [1983] **1** 745
Tax presence [1983] **1** 133
Term not exceeding six ... months in any one year [Rent Act 1977, s 137] [1983] **1** 73
Term of years certain [Leasehold Reform Act 1967, s 3(1)] [1983] **2** 961
Total loss [Carriage of Goods by Road Act 1965, Sch, art 32(1)] [1983] **1** 692
Trafficking in a trade mark [Trade Marks Act 1938, s 28(6)] [1983] **2** 609

U

Unfairly prejudicial to the interests of some ... members [Companies Act 1980, s 75(1)] [1983] **2** 36
Used for the purposes of a diplomatic mission [State Immunity Act 1978, s 16(1)(*b*)] [1983] **2** 495
Uses [Construction (General Provisions) Regulations 1961, reg 3(1)] [1983] **1** 127

W

Whole case [Criminal Appeal Act 1968, s 17(1)(*a*)] [1983] **3** 637
Wholly and exclusively ... expended for the purposes of the ... profession [Income and Corporation Taxes Act 1970, s 130(*a*)] [1983] **2** 1095
Wilful default [Merchant Shipping Act 1894, s 419(2)] [1983] **1** 12
Wilfully obstructs [Police Act 1964, s 51(3)] [1983] **1** 663, 677
Works or uses [Construction (General Provisions) Regulations 1961, reg 3(1)] [1983] **1** 127
Wound [Offences against the Person Act 1861, s 20 [1983] **3** 230
Written agreement [Arbitration Act 1950, s 32] [1983] **1** 382

SUBJECT INDEX

ACCOMMODATION WORKS

Railway. *See* **Railway** (Accommodation works).

ACCOUNT

Bank account. *See* **Bank** (Account).

ACTION

Dismissal—

Abuse of process of court—

Second action raising same cause of action as earlier action—Second action commenced within limitation period for cause of action—Earlier action dismissed for want of prosecution because of plaintiff's failure to comply with rule of court—Whether second action an abuse of court's process—Whether difference in principle between action dismissed for want of prosecution and action dismissed for disobedience of a peremptory order of court. **Bailey v Bailey** [1983] **3** 495, CA.

ADMINISTRATION OF ESTATES

Fatal accident cases—

Damages for benefit of deceased's estate. *See* **Fatal accident** (Damages).

ADMINISTRATIVE LAW

Natural justice. *See* **Natural justice.**

ADMIRALTY

Action in rem—

Jurisdiction. *See* Jurisdiction—Action in rem, *post*.

Arrest of vessel—

Jurisdiction. *See* Jurisdiction—Action in rem—Arrest of ship, *post*.

Jurisdiction—

Action in rem—

Arrest of ship—Enforcement of foreign judgment—Claim for damages for loss of cargo—Cargo owners obtaining final judgment against shipowners by proceedings in rem in foreign court—Ship released from arrest on shipowner putting up security—Shipowner paying only part of judgment debt—Ship entering English port—Whether cargo owners entitled to bring action in rem in English court against ship to enforce judgment of foreign court—Whether cargo owners having right to arrest ship in England. **The Despina GK** [1983] **1** 1, QBD.

Claim arising out of agreement relating to carriage of goods—Claim by charterers to enforce arbitration award under arbitration agreement in charterparty—Whether 'claim arising out of [an] agreement relating to the carriage of goods in a ship'—Whether claim arising out of award itself—Whether Admiralty court having jurisdiction to entertain claim—Supreme Court Act 1981, s 20(2)(*h*). **The St Anna** [1983] **2** 691, QBD.

Practice—

Action in rem—

Stay of proceedings—Foreign defendant. *See* **Practice** (Stay of proceedings—Foreign defendant—Action in rem).

Interest—

Limitation fund—Generally. *See* **Shipping** (Limitation of liability—Limitation fund—Interest).

ADVICE

Negligence. *See* **Negligence** (Information or advice).

AERODROME
British Airports Authority—
Statutory powers—
Byelaws regulating use and operation of aerodrome—Right of peaceful picketing on aerodrome in furtherance of trade dispute—Employees mounting picket at control post within aerodrome—Byelaw prohibiting 'public demonstrations' interfering with use of airport—Employees refusing constable's request to leave aerodrome—Whether employees entitled to exercise right of peaceful picketing within airport—Whether picket constituting 'public demonstration'—Whether constable's request to employees to leave aerodrome reasonable—Trade Union and Labour Relations Act 1974, s 15. **British Airports Authority v Ashton** [1983] **3** 6, QBD.

AFFIDAVIT
Chancery Division. *See* **Practice** (Chancery Division—Affidavit).
Marking etc—
Court of Appeal and High Court. *See* **Practice** (Affidavit—Court of Appeal and High Court—Marking).

AGED PERSONS
Gift for—
Charitable purpose. *See* **Charity** (Benefit to community—Aged persons).

AGENT
Contract—
Misrepresentation. *See* **Misrepresentation** (Agent).
Diplomatic agent—
Immunity from legal process. *See* **Constitutional law** (Diplomatic privilege).
Misrepresentation—
Liability. *See* **Misrepresentation** (Agent—Liability).

AGRICULTURAL HOLDING
Tenancy—
Agreement whereby land let for interest less than tenancy from year to year—
Agreement to take effect with necessary modifications as agreement for tenancy from year to year—Exception where minister approving the letting before the agreement was made—Minister approving letting of land for 364 days—No tenancy agreement executed—364 day tenancy by implication arising—Whether minister's approval could, and did, cover such a tenancy—Whether tenancy taking effect as tenancy from year to year—Agricultural Holdings Act 1948, s 2(1). **Epsom and Ewell BC v C Bell (Tadworth) Ltd** [1983] **2** 59, ChD.

AIRPORT
Generally. *See* **Aerodrome**.

ALIEN
Immigration. *See* **Immigration**.

ALL RISKS
Insurance. *See* **Insurance** (All risks insurance).

ANTON PILLER ORDER
Generally. *See* **Practice** (Inspection of property—Property subject-matter of action or in respect of which question arising—Interlocutory motion—Ex parte application).

APPEAL
Anton Piller order—
Practice—
Generally. *See* **Practice** (Inspection of property—Property subject-matter of action or in respect of which question arising—Interlocutory motion—Ex parte application—Appeal against order).
Arbitration award—
Generally. *See* **Arbitration** (Award—Appeal).
Commonwealth immigrant. *See* **Commonwealth immigrant** (Appeal).
Court of Appeal—
Generally. *See* **Court of Appeal**.
Criminal appeal—
Costs. *See* **Criminal law** (Costs).
Damages—
Libel action. *See* **Libel and slander** (Damages—Appeal).
Dismissal—
Consent—
Court of Appeal. *See* **Court of Appeal** (Appeal—Dismissal—Consent).
Documents to be lodged by appellant—
Court of Appeal. *See* **Court of Appeal** (Practice—Documents to be lodged by appellant).
Employment Appeal Tribunal—
Costs. *See* **Costs** (Employment Appeal Tribunal).
Enforcement notice—
Appeal against notice. *See* **Town and country planning** (Enforcement notice—Appeal against notice).
Evidence—
Immigration appeal. *See* **Immigration** (Appeal—Evidence).
Hearing—
Court of Appeal, Civil Division—
Practice. *See* **Court of Appeal** (Practice—Hearing).
House of Lords—
Civil proceedings. *See* **House of Lords**.
Immigration. *See* **Immigration** (Appeal).
Income tax—
Generally. *See* **Income tax** (Appeal).
Leave—
Arbitration—
Leave to appeal against award. *See* **Arbitration** (Award—Leave to appeal against award).

APPEAL (cont)
Leave (cont)—
Court of Appeal—
Generally. *See* **Court of Appeal** (Leave to appeal).
Petition—
House of Lords. *See* **House of Lords** (Leave to appeal—Petition for leave to appeal).
Pastoral scheme. *See* **Ecclesiastical law** (Appeal—Pastoral scheme).
Queen's Bench Division—
Long vacation—
Practice. *See* **Practice** (Long vacation—Queen's Bench Division).
Town and country planning—
Appeal to Minister against refusal of permission for development. *See* **Town and country planning** (Appeal to Minister against refusal of permission for development).

ARBITRATION
Agreement—
Arbitration clause—
Scope—Clause in charterparty providing for reference of disputes to arbitration—Clause providing for parties to elect to have dispute referred to arbitration—Charterers electing for arbitration—Whether arbitration clause a 'written agreement' to arbitrate—Whether clause merely agreement to agree or giving option to arbitrate—Whether election only purporting to confer right to arbitrate on party to whom notice of the dispute given—Arbitration Act 1950, s 32. **Westfal-Larsen & Co A/S v Ikerigi Compania Naviera SA** [1983] **1** 382, QBD.
Arbitration clause—
Charterparty—
Incorporation in bill of lading. *See* **Shipping** (Bill of lading—Incorporation of terms of charterparty—Arbitration clause).
Arbitrator—
Jurisdiction—
Inspection of property—Whether arbitrator having power to make order for inspection of property which is subject of reference—Whether order for inspection can be made only by High Court—Arbitration Act 1950, s 12(1)(6). **Vasso (owners) v Vasso (cargo owners), The Vasso** [1983] **3** 211, QBD.
Salvage arbitration—Inspection of property—Inspection of ship—Arbitration under Lloyd's form of salvage agreement—Application by cargo owners for order for inspection of salved vessel—Whether arbitrator having power to make order for inspection. **Vasso (owners) v Vasso (cargo owners), The Vasso** [1983] **3** 211, QBD.
Award—
Appeal—
Basis on which award may be appealed. **Finelvet AG v Vinava Shipping Co Ltd, The Chrysalis** [1983] **2** 658, QBD.
Enforcement—
Foreign award—Kuwait award in favour of Kuwait Government published when Kuwait not a party to New York Convention—Kuwait subsequently becoming a party to convention before proceedings instituted in United Kingdom to enforce award—Whether to be enforceable award must post-date foreign state becoming a party to convention—Arbitration Act 1975, ss 3, 7. **Kuwait Minister of Public Works v Sir Frederick Snow & Partners (a firm)** [1983] **2** 754, CA.
Interest—
Interest as from date of award—Rate—Rate of interest varied after date of award—Whether rate of interest effective at date of award the only rate recoverable—Whether court empowered to award interest at different rate. **Rocco Giuseppe & Figli v Tradax Export SA** [1983] **3** 598, QBD.
Leave to appeal against award—
Factors to be considered by court when deciding whether to grant leave—Award involving interpretation of charterparty clause in common use and substantial and arguable questions of law giving rise to conflict of judicial opinion—Judge concluding that arbitrator's decision prima facie right and refusing leave to appeal to High Court—Whether leave to appeal should be refused—Arbitration Act 1979, s 1(3)(*b*). **Antaios Cia Naviera SA v Salen Rederierna AB, The Antaios** [1983] **3** 777, CA.
Setting aside or remitting award—Allegation of misconduct of umpire—Whether 'misconduct' applying to procedural errors by umpire—Arbitration Act 1950, s 23. **Moran v Lloyd's** [1983] **2** 200, CA.
Setting aside or remitting award—Allegation of misconduct of umpire by reason of inconsistency in findings—Whether inconsistency amounting to misconduct by umpire—Whether leave to appeal ought to be granted—Arbitration Act 1950, ss 22, 23—Arbitration Act 1979, s 1. **Moran v Lloyd's** [1983] **2** 200, CA.
Leave to appeal to Court of Appeal against grant or refusal of leave to appeal to High Court—
When leave to appeal to Court of Appeal should be granted—Principles applicable to grant of leave—Arbitrator's decision raising substantial and arguable point of law—Case important to parties or of general interest—Judge concluding arbitrator's decision probably right—Judge requiring guidance on principles applicable to grant of leave—Whether judge should grant leave—Arbitration Act 1979, s 1(6A). **Antaios Cia Naviera SA v Salen Rederierna AB, The Antaios.** [1983] **3** 777, CA.
Commencement—
Charterparty—
Notice of election to have dispute referred to arbitration—Clause in charterparty providing for reference of disputes to arbitration—Clause providing for parties to elect to have dispute referred to arbitration within 21 days of receiving notice of dispute—Dispute arising over damage to cargo—Consignees complaining of damage to owners—Owners informing charterers of complaint and holding charterers liable—Charterers disputing liability—Consignees commencing action against owners and charterers six months after complaint—Owners cross-claiming against charterers—Charterers electing to arbitrate eight months after dispute arose—Whether timely election—Whether time for election commencing to run when dispute arose or when notice of dispute given. **Westfal-Larsen & Co A/S v Ikerigi Compania Naviera SA** [1983] **1** 382, QBD.

ARBITRATION (cont)
Commencement (cont)—
Extension of time fixed by agreement—
Charterparty incorporating Centrocon arbitration clause—Arbitration clause providing that any claim to be made in writing and claimants' arbitrator appointed within three months of discharge—No claim in writing made within time specified—Whether claim in writing 'some other step to commence arbitration proceedings'—Whether court having jurisdiction to extend time for making claim in writing—Arbitration Act 1950, s 27. **Jedranska Slobodna Plovidba v Oleagine SA** [1983] 3 602, CA.
Continuation of proceedings—
Continuation after commencement of court proceedings—
Dispute referred to arbitration—Writ subsequently issued in High Court by claimant in arbitration seeking substantially same relief—Step taken in court proceedings after arbitrator giving directions to respondent in arbitration proceedings—Claimant in arbitration proceedings applying for court order requiring respondent to comply with arbitrator's directions—Whether application could be entertained—Whether arbitration proceedings terminated as soon as step taken in court proceedings. **Lloyd v Wright, Dawson v Wright** [1983] 2 969, CA.
Costs—
Security for costs—
Claimant ordinarily resident out of the jurisdiction—International arbitration in accordance with rules of International Chamber of Commerce—Arbitration commenced in England—Parties' sole connection with England that they had agreed that arbitration should take place there—Application by respondent for security for costs—Claimant's ability to pay respondent's costs uncertain—Whether order for security for costs would be inconsistent with ICC rules—Whether court should make the order—Arbitration Act 1950, s 12(6)(*a*). **Bank Mellat v Helliniki Techniki SA** [1983] 3 428, CA.
Delay—
Dismissal of claim for want of prosecution. *See* Practice—Want of prosecution, *post*.
Foreign award—
Enforcement. *See* Award—Enforcement—Foreign award, *ante*.
International arbitration—
Security for costs—
Claimant ordinarily resident out of the jurisdiction. *See* Costs—Security for costs—Claimant ordinarily resident out of the jurisdiction—International arbitration in accordance with rules of International Chamber of Commerce, *ante*.
Practice—
Want of prosecution—
Dismissal of claim—Abandonment by accord and satisfaction—Arbitration proceedings commenced one year after breach of contract—Claimant taking no further action for next five and a half years—Whether silence and inactivity amounting to offer to give up reference to arbitration—Whether silence and inactivity amounting to offer to give up claim. **Allied Marine Transport Ltd v Vale do Rio Doce Navegacao SA, The Leonidas D** [1983] 3 737, QBD.
Inordinate and inexcusable delay—Delay making fair arbitration impossible—Rescission—Frustration—Repudiation—Whether implied agreement to abandon arbitration agreement—Whether mutual delay can constitute repudiation by one party of arbitration agreement—Whether agreement frustrated because delay making fair arbitration impossible—Whether one party can rely on frustration when there is mutual delay. **Paal Wilson & Co A/S v Partenreederei Hannah Blumenthal, The Hannah Blumenthal** [1983] 1 34, HL.
Res judicata—
Arbitration in respect of issue decided by foreign court—
Charterparty providing for contract to be governed by English law and for parties to elect to have disputes referred to arbitration by giving notice within stipulated time—Dispute arising over damage to cargo—Consignees suing owners and charterers for damages in New York district court—Owners cross-claiming against charterers—Charterers seeking order to direct owners to arbitrate—New York court holding that charterers had made timely election to arbitrate—Whether ruling of New York court res judicata as to issue of election. **Westfal-Larsen & Co A/S v Ikerigi Compania Naviera SA** [1983] 1 382, QBD
Salvage arbitration—
Jurisdiction of arbitrator. *See* Arbitrator—Jurisdiction—Salvage arbitration, *ante*.
Security for costs. *See* Costs—Security for costs, *ante*.

ARMED FORCES
Will of soldier or mariner—
Privilege. *See* **Will** (Soldier's or mariner's privileged will).

ARMY
Pay, pensions etc—
Avoidance of assignment of, or charge on, pay, pensions etc—
Financial provision order—Divorce proceedings. *See* **Divorce** (Financial provision—Military pay, pensions etc—Avoidance of assignment of, or charge on, military pay, pensions etc).

ARREST
Arrest without warrant—
Constable—
Reasonable cause—Exercise of power of arrest—Constable arresting suspect in belief that confession more likely if suspect subjected to stress and pressure of arrest—Whether proper exercise of power of arrest—Whether constable required to make all practicable inquiries before exercising power of arrest—Whether period of detention may be used to establish whether suspicion justified and to seek further material evidence—Criminal Law Act 1967, s 2(4). **Mohammed-Holgate v Duke** [1983] 3 526, CA.
Constable—
Arrest without warrant. *See* Arrest without warrant—Constable, *ante*.
Injunction—
Husband and wife—
Domestic violence—Attachment of power of arrest. *See* **Injunction** (Husband and wife—Domestic violence—Attachment of power of arrest to injunction).

ARREST (cont)
Ship—
Jurisdiction—
Action in rem. *See* **Admiralty** (Jurisdiction—Action in rem—Arrest of ship).

ARSON
See **Criminal law** (Damage to property—Arson).

ARTICLED CLERK
Generally. *See* **Solicitor** (Articled clerk).

ASSAULT
Indecent. *See* **Criminal law** (Indecent assault).

ATTACHMENT
Debt—
Money payable by Crown to judgment debtor, *See* **Execution** (Attachment of money payable by Crown to judgment debtor).

AUCTIONEER
Remuneration—
Sale of land by court. *See* **Sale of land** (Sale by court).

AUDITOR
Negligence—
Information or advice—
Knowledge that third party might rely on information. *See* **Negligence** (Information or advice—Knowledge that third party might rely on information—Auditor).

AUTOMATISM
Defence to criminal charge. *See* **Criminal law** (Automatism).

AWARD
Arbitration—
Generally. *See* **Arbitration** (Award).

BAGGAGE
Carriage by air—
Damage to baggage. *See* **Carriage by air** (Damage to baggage or cargo).

BAIL
Criminal proceedings—
Crown Court. *See* **Crown Court** (Bail).
Generally. *See* **Criminal Law** (Bail).

BAILMENT
Bailment for reward—
Post Office—
Registered postal packet—Carriage overseas. *See* **Post Office** (Registered postal packet—Carriage overseas—Liability in bailment).

BANK
Account—
Joint account—
Mandate to honour only instructions signed by husband and wife—Bank, acting solely on husband's instructions, transferring funds from account to him for his own use—Wife bringing action against bank claiming damages for breach of mandate—Wife not joining husband as party—Whether bank owing duty to account-holders jointly or severally—Whether failure of wife to join husband as party fatal to her claim. **Catlin v Cyprus Finance Corp (London) Ltd (Catlin, third party)** [1983] **1** 809, QBD.
Cheque—
Postdated cheque—
Obtaining property by deception. *See* **Criminal law** (Obtaining property by deception—Deception—Cheque—Postdated cheque).
Customer—
Relationship—
Undue influence—Equitable relief. *See* **Equity** (Undue influence—Presumption of undue influence—Banker and customer).
Documentary credit—
Irrevocable credit—
Duty of bank—Letter of credit required to be negotiated through defendant bank's agent—Letter of credit in fact negotiated through plaintiff bank—Whether letter of credit permitting plaintiffs to act as negotiating bankers—Whether plaintiffs reasonably entitled to interpret letter of credit as authorising them to act as negotiating bankers. **European Asian Bank AG v Punjab & Sind Bank** [1983] **2** 508, CA.
Payment under reserve—Payment under reserve by confirming bank to beneficiary—Effect—Confirming bank alleging documents tendered not complying with terms of credit—Beneficiary disputing alleged discrepancies in documents—Confirming bank making payment under reserve—Issuing bank rejecting documents on account of discrepancies—Whether confirming bank immediately entitled to be reimbursed by beneficiary—Whether necessary for confirming bank to show that tender of documents defective—Whether confirming bank only having right to immediate repayment if issuing bank rejects documents for same reasons as confirming bank. **Banque de l'Indochine et de Suez SA v J H Rayner (Mincing Lane) Ltd** [1983] **1** 1137, CA.
Joint account. *See* Account—Joint account, *ante*.
Letter of credit—
Generally. *See* Documentary credit, *ante*.

BANKRUPTCY
Bankruptcy notice—
Form—
Need for statutory forms to be redrafted—Bankruptcy Rules 1952, App I, Forms 6, 7. **Re a debtor (No 75N of 1982, Warrington), ex p the debtor v National Westminster Bank plc** [1983] 3 545, ChD.
Service—
Substituted service—Ex parte application for order for substituted service—Whether application can be made ex parte—Bankruptcy Rules 1952, rr 31, 32, 141, 154. **Re a debtor (No 75N of 1982, Warrington), ex p the debtor v National Westminster Bank plc** [1983] 3 545, ChD.
Setting aside—
Cross-demand—What judgment debtor must show before bankruptcy notice can be set aside—Whether cross-demand must be for liquidated sum—Whether judgment creditor can set up in opposition to cross-demand another claim of his own against judgment debtor in addition to judgment debt—Bankruptcy Act 1914, s 1(1)(*g*)—Bankruptcy Rules 1952, rr 137, 138. **Re a debtor (No 75N of 1982, Warrington), ex p the debtor v National Westminster Bank plc** [1983] 3 545, ChD.
Withdrawal—
Effectiveness—Judgment creditor serving bankruptcy notice on judgment debtor—Judgment debtor offering to secure or compound for debt—Judgment creditor withdrawing notice before court could adjudicate on merits of judgment debtor's offer—Judgment creditor serving second bankruptcy notice on judgment debtor—Whether first bankruptcy notice could be withdrawn without the judgment debtor's consent. **Re a debtor (No 75N of 1982, Warrington), ex p the debtor v National Westminster Bank plc** [1983] 3 545, ChD.
Bankruptcy rules—
Application to winding-up of company. *See* **Company** (Winding-up—Application of bankruptcy rules).

BARGAIN OFFERS
Sale of goods—
Consumer protection. *See* **Consumer protection** (Price marking—Bargain offers relating to goods).

BARRISTER
Court dress—
Deduction for income tax purposes. *See* **Income tax** (Deduction in computing profits—Expenditure wholly and exclusively laid out or expended for purpose of trade—Purpose of expenditure—Barrister's clothing).
Fees—
Taxation of costs—
Legal aid cases—Scope of certificate. *See* **Legal aid** (Certificate—Scope of certificate—Counsel's fees).

BIAS
Magistrates—
Generally. *See* **Magistrates** (Bias).

BILL OF EXCHANGE
Cheque—
Postdated cheque—
Obtaining property by deception. *See* **Criminal law** (Obtaining property by deception—Deception—Cheque—Postdated cheque).
Discounting—
Income tax—
Generally. *See* **Income tax** (Discounts—Bill of exchange or promissory note).

BILL OF LADING
Generally. *See* **Shipping** (Bill of lading).

BINDING-OVER
Magistrates. *See* **Magistrates** (Binding-over).

BOUNDARY COMMISSION
Redistribution of seats at Parliamentary elections—
Discretion. *See* **Elections** (Parliamentary—Redistribution of seats—Discretion of Boundary Commission).

BREACH OF CONFIDENCE
See **Equity** (Breach of confidence).

BRIDGE
Railway bridge—
Maintenance—
Duty of railway authority. *See* **Railway** (Accommodation works—Duty of railway authority to maintain works—Bridge over railway line).

BRITISH AIRPORTS AUTHORITY
Aerodromes. *See* **Aerodrome** (British Airports Authority).

BROTHEL
Criminal offences in connection with brothels. *See* **Criminal law** (Brothel).

BUILDING
Building operations—
Fencing of machinery—
Dangerous parts of machinery—Radiator fan in excavator—Employee injured by blade on radiator fan while repairing excavator at end of day's work—Radiator fan unfenced in breach of regulations—Whether excavator 'in use' when accident occurring—Construction (General Provisions) Regulations 1961, regs 3(1), 42. **Johns v Martin Simms (Cheltenham) Ltd** [1983] 1 127, HL.
Conservation area. *See* **Town and country planning** (Conservation area).

BUILDING (cont)
Demolition—
Conservation area. *See* **Town and country planning** (Conservation area).
Working places—
Safety of working places—
Duty of contractor under regulations—Meaning of contractor—Regulations imposing duty on contractors to ensure safety at working places—Whether owner of property employing specialist contractors to work on his property a 'contractor'—Construction (Working Places) Regulations 1966, reg 3. **Kealey v Heard** [1983] 1 973, QBD.

BUILDING SOCIETY
Advances—
Repayment of advance—
Advance on terms that principal amount secured by charge to be index-linked to real value of sum advanced to take account of inflation—Whether advances made on such terms are within building societies' powers—Building Societies Act 1962, s 1(1). **Nationwide Building Society v Registry of Friendly Societies** [1983] 3 296, ChD.

BUSINESS
Premises—
Tenancy. *See* **Landlord and tenant** (Business premises).
Record relating to trade or business—
Admissibility in evidence—
Criminal proceedings. *See* **Criminal evidence** (Record relating to trade or business).

CANNABIS
Importation—
Restriction—
Fraudulent evasion. *See* **Customs and excise** (Importation of prohibited goods—Knowingly concerned in fraudulent evasion of prohibition or restriction—Importation of drugs—Cannabis).

CAPITAL ALLOWANCES
Income tax. *See* **Income tax** (Capital allowances).

CAPITAL GAINS TAX
Disposal of assets—
Husband and wife—
Married woman living with her husband—Wife not resident in united Kingdom of year of assessment—Husband resident in United Kingdom for part of year of assessment—Whether husband resident in United Kingdom 'for year of assessment'—Finance Act 1965, s 45(3), Sch 7, para 20(1)—Income and Corporation Taxes Act 1970, s 42. **Gubay v Kington (Inspector of Taxes)** [1983] 2 976, CA.

CAPITAL TRANSFER TAX
Exemptions and reliefs—
Survivorship—
Person surviving another person for specified period—Appointment made contingent on appointee surviving 'designated person' for specified period—Designated person ascertained by reference to newspaper announcement—Whether 'another person' referred to any person—Whether contingency truly one of surviving another person for a specified period—Finance Act 1975, Sch 5, para 6(2)(7). **Inland Revenue Comrs v Trustees of Sir John Aird's Settlement** [1983] 3 481, CA.

CARAVAN
Stationing on land which is not a caravan site—
Whether a material change in use of the land. *See* **Town and country planning** (Development—Material change of use—Use for stationing residential caravans).

CARE
Child—
Local authority. *See* **Child** (Care—Local authority).

CARGO
Carriage by air—
Damage to cargo. *See* **Carriage by air** (Damage to baggage or cargo).
General average contribution by cargo owners. *See* **Shipping** (General average).

CARRIAGE BY AIR
Carriage of goods—
International carriage—
Damage to baggage or cargo. *See* Damage to baggage or cargo, *post*.
Registered postal packets. *See* **Post Office** (Registered postal packet—Carriage overseas—Carriage by air).
Carriage of passengers—
International carriage—
Limitation of carrier's liability—Aircraft on international flight entering area of severe clear air turbulence—Pilot failing to switch on seat belt sign contrary to flight rules—Plaintiff suffering personal injuries and bringing action for damages against carrier—Whether carrier's liability limited—Whether carrier's liability unlimited by reason of pilot's omission amounting to conduct done 'recklessly and with knowledge that damage would probably result'—Carriage by Air Act 1961, Sch 1, arts 22(1), 25. **Goldman v Thai Airways International Ltd** [1983] 3 693, CA

CARRIAGE BY AIR (cont)
Damage to baggage or cargo—
Limitation of liability—
Damage to package forming essential part of consignment—Carrier's liability for loss or damage limited to '250 francs per kilogramme'—Whether liability calculated per kilogramme of total consigment weight—Whether liability calculated per kilogramme of lost or damaged part of consignment—Whether liability calculated per kilogramme of consignment affected by damage to or loss of part—Carriage by Air Act 1961, Sch 1, art 22(2). **Data Card Corp v Air Express International Corp** [1983] 2 639, QBD.

CARRIAGE BY SEA
Goods—
Claim arising out of agreement relating to carriage of goods—
Admiralty jurisdiction. *See* **Admiralty** (Jurisdiction—Action in rem—Claim arising out of agreement relating to carriage of goods).

CARRIAGE OF GOODS
Carriage by air—
Damage to baggage or cargo. *See* **Carriage by air** (Damage to baggage or cargo).
Generally. *See* **Carriage by air** (Carriage of goods).
Carriage by road—
Contract. *See* **Carriers** (Contract—Carriage of goods).
Carriage by sea—
Claim arising out of agreement relating to carriage of goods—
Admiralty jurisdiction. *See* **Admiralty** (Jurisdiction—Action in rem—Claim arising out of agreement relating to carriage of goods).
Registered postal packets—
Carriage overseas. *See* **Post Office** (Registered postal packet—Carriage overseas).

CARRIERS
Air transport—
Generally. *See* **Carriage by air**.
Contract—
Carriage of goods—
Action arising out of carriage—Limitation period—Loss or damage to goods—Failure to deliver goods—Owner claiming damages—Whether claim for damaged goods or for total loss—Date from which limitation period runs—Carriage of Goods by Road Act 1965, Sch, art 32(1). **Worldwide Carriers v Ardtan International Ltd** [1983] 1 692, QBD.
Action arising out of carriage—Limitation period—Successive carriage—Owner of goods claiming against first carrier—First carrier notifying second carrier of receipt of claim—Whether submission of claim to first carrier suspending limitation period in respect of owner's claim against second carrier—Carriage of Goods by Road Act 1965, Sch, art 32(2). **Worldwide Carriers v Ardtan International Ltd** [1983] 1 692, QBD.
Successive carriers—
Action arising out of contract of carriage—
Limitation period. *See* Contract—Carriage of goods—Action arising out of carriage—Limitation period, *ante*.

CERTIORARI
Availability of remedy—
Generally. *See* **Judicial review** (Availability of remedy—Certiorari).

CHAMBERS
Proceedings in chambers. *See* **Practice** (Chambers proceedings).
Queen's Bench Division—
Practice. *See* **Practice** (Chambers proceedings—Queen's Bench Division).

CHANCERY DIVISION
Affidavit—
Practice. *See* **Practice** (Affidavit—Chancery Division).
Chambers—
Generally. *See* **Practice** (Chambers proceedings).
Motion—
Adjournment. *See* **Practice** (Motion—Adjournment—Chancery Division).
Listing. *See* **Practice** (Chancery Division—Revision of system for listing causes and matters).
Sale of land by court—
Practice. *See* **Sale of land** (Sale by court).
Summons for directions—
Practice. *See* **Practice** (Summons for directions—Chancery Division).

CHARGE
Land charge. *See* **Land charge**.

CHARGING ORDER
Generally. *See* **Execution** (Charging order).
Land—
Production of register of title. *See* **Land registration** (Production of register of title).

CHARITY
Benefit to community—
Aged persons—
Sale of dwellings to aged persons—Charity proposing to enter into schemes to provide dwellings for aged persons most in need of accommodation—Dwellings to be granted on long leases in consideration of capital payment—Whether schemes charitable. **Joseph Rowntree Memorial Trust Housing Association Ltd v A-G** [1983] 1 288, ChD.

CHARTERPARTY
Arbitration—
Commencement. *See* **Arbitration** (Commencement—Charterparty).
Arbitration clause—
Scope. *See* **Arbitration** (Arbitration clause—Scope—Clause in charterparty).
Time charterparty. *See* **Shipping** (Time charterparty).

CHEQUE
Obtaining pecuniary advantage by deception—
Implied representation made by drawer of cheque. *See* **Criminal law** (Obtaining pecuniary advantage by deception—Deception—Implied representation—Cheque).
Obtaining property by deception. *See* **Criminal law** (Obtaining property by deception—Deception—Cheque).
Postdated cheque—
Obtaining property by deception. *See* **Criminal law** (Obtaining property by deception—Deception—Cheque—Postdated cheque).

CHILD
Care—
Local authority—
Access by divorced parent to child—Jurisdiction of court to give directions as to access. *See* **Divorce** (Custody—Access—Committal of child to care of local authority—Jurisdiction of court to give directions regarding treatment of child while in care).
Wardship proceedings—Existing care order made in criminal proceedings by juvenile court—Whether jurisdiction to make care order in favour of local authority in wardship proceedings—Whether in child's interests to make care order in wardship proceedings—Whether care order in wardship proceedings superseding existing care order made by juvenile court—Family Law Reform Act 1969, s 7(2)—Children and Young Persons Act 1969, s 7(7). **Re C (a minor)(wardship : care order)** [1983] **1** 219, FamD.
Custody—
Divorce proceedings—
Generally. *See* **Divorce** (Custody).
Guardian's allowance. *See* **Social security** (Guardian's allowance).
Maintenance—
Generally. *See* **Minor** (Maintenance).
Practice—
Matrimonial causes—
Removal of child from jurisdiction. *See* **Minor** (Removal outside jurisdiction).
Removal of child from jurisdiction—
Injunction—
Generally. *See* **Minor** (Removal outside jurisdiction).
Ward of court. *See* **Ward of court**.
Welfare—
Welfare report—
Independent welfare report—Use of independent welfare reports in matrimonial, wardship or guardianship proceedings. **Practice Direction** [1983] **1** 1097, FamD.

CHURCH
Methodist minister—
Dismissal—
Complaint of unfair dismissal—Whether contract between minister and church. *See* **Master and servant** (Contract of service—Incidents of contract—Methodist minister dismissed by the Church after disciplinary hearing—Minister alleging unfair dismissal).
Rates—
Exemption—
Place of public religious worship. *See* **Rates** (Exemption—Place of public religious worship).

CLERK
Articled clerk. *See* **Solicitor** (Articled clerk).

COAL MINING
Safety rules—
Negligence. *See* **Negligence** (Duty to take care—Safety rules—Coal mine).
Statutory duty—
Breach—
Breach by employee—Transport rules prohibiting employees riding on conveyors—Deliberate breach by employee—Duty of employer to secure that provisions of transport rules 'enforced'—Whether employer in breach of statutory duty—Mines and Quarries Act 1954, ss 37(6), 157. **Storey v National Coal Board** [1983] **1** 375, QBD.

COAST PROTECTION
Powers and duties of coast protection authority—
Duty to take care in exercising powers. *See* **Negligence** (Duty to take care—Statutory powers—Act performed in exercise of power—Local authority—Coast protection authority).

COCAINE
Controlled drug—
Unlawful possession. *See* **Drugs** (Controlled drugs—Unlawful possession—Cocaine).

COLLISION
Shipping—
Collision regulations. *See* **Shipping** (Collision regulations).

COMMITTAL
Contempt of court—
Generally. *See* **Contempt of court** (Committal).
Fugitive offender. *See* **Extradition** (Committal).

COMMITTAL (cont)
Proceedings—
Generally. *See* **Criminal law** (Committal—Preliminary hearing before justices).

COMMON MARKET
See **European Economic Community.**

COMMONWEALTH
Immigrant—
Generally. *See* **Immigration.**
See **Immigration.**
New Zealand. *See* **New Zealand.**

COMMONWEALTH IMMIGRANT
Appeal—
Special voucher scheme—
Appeal against refusal to issue special voucher admitting United Kingdom passport holder to United Kingdom—Whether right of appeal from entry clearance officer's decision—Whether special voucher an 'entry clearance'—Whether voucher evidence of eligibility for entry—Immigration Act 1971, ss 13(2), 33(1). **Amin v Entry Clearance Officer, Bombay** [1983] **2** 864, CA & HL.
Special voucher scheme—
Appeal against refusal to issue special voucher. *See* Appeal—Special voucher scheme, *ante*.
Sex discrimination—
Refusal to issue special voucher to married woman who was not head of household——Whether special voucher scheme unlawful sex discrimination—Sex Discrimination Act 1975, ss 1, 29(1). **Amin v Entry Clearance Officer, Bombay** [1983] **2** 864, CA & HL.

COMPANY
Compulsory winding-up—
Just and equitable—
Alternative remedy—Company in substance a partnership—Offer to purchase shares of minority shareholder—Whether acceptance of reasonable offer to purchase shares an alternative remedy available to minority shareholder—Whether minority shareholder entitled to have company's assets sold on open market because company was formerly a partnership—Whether just and equitable that company be wound up—Companies Act 1948, s 225(2)—Companies Act 1980, s 75. **Re a Company** [1983] **2** 854, ChD.
Creditors' voluntary winding-up. *See* Voluntary winding-up—Creditors' voluntary winding-up, *post*.
Director—
Emoluments from office or employment—
Income tax. *See* **Income tax** (Emoluments from office or employment).
Interrogatories to company. *See* **Discovery** (Interrogatory—Interrogatory to company).
Member—
Unfair prejudice to member's interests—
Conduct of company 'unfairly prejudicial' to interests of member—Minority shareholder in private family company—Minority shareholder wishing to sell shareholding within family rather than to outsider because better price obtainable—Company members not wishing to purchase shareholding—Company refusing to propound scheme for reconstructing company to facilitate realisation of shares—Company refusing to purchase shares itself—Company proposing to embark on new business unrelated to existing business—Minority shareholder alleging company's conduct unfairly prejudicing his interests—Whether company's refusal to propound reconstruction scheme or to purchase shares amounting to conduct unfairly prejudicial to shareholder's interests—Whether proposal to apply assets in new business unfairly prejudicial to shareholder—Companies Act 1948, s 287—Companies Act 1980, s 75(1)—Companies Act 1981, ss 46, 47. **Re a Company** [1983] **2** 36, ChD.
Shares—
Valuation—
Mistake—Speaking valuation. *See* **Valuer** (Valuation—Mistake—Speaking valuation—Shares).
Take-over bid—
Reference to Monopolies and Mergers Commission. *See* **Monopolies and mergers.**
Voluntary winding-up—
Creditors' voluntary winding-up—
Notice of meeting at which winding-up resolution to be proposed—Failure to give seven days' notice of meeting—Members' consenting to only one day's notice of meeting—Resolution for voluntary winding up passed—Validity of resolution—Companies Act 1948, s 293(1)(7). **E V Saxton & Sons Ltd v R Miles (Confectioners) Ltd** [1983] **2** 1025, ChD.
Winding-up—
Application of bankruptcy rules—
Proof and ranking of claims—Unliquidated claim for damages in tort—Company in creditor's voluntary liquidation—Outstanding claims against company in tort—Claimants not obtaining judgment by date of winding up—Whether claims admissible to proof in winding up of insolvent company—Bankruptcy Act 1914, s 30—Companies Act 1948, s 317. **Re Islington Metal & Plating Works Ltd** [1983] **3** 218, ChD.
Surplus assets after payment of debts—Company placed in creditor's voluntary liquidation on basis of insolvency—Unliquidated claims in tort outstanding against company but not admitted to proof—Prospect of liquidators recovering damages in action against directors for misfeasance—Directors also contributories—Whether on liquidators recovering damages in misfeasance action sufficient to leave a surplus after repaying all proven creditors surplus to be paid to tort claimants or to contributories—Companies Act 1948, ss 316, 317. **Re Islington Metal & Plating Works Ltd** [1983] **3** 218, ChD.
Compulsory winding-up. *See* Compulsory winding-up, *ante*.
Voluntary winding-up. *See* Voluntary winding-up, *ante*.

COMPENSATION
Compulsory purchase—
Generally. *See* **Compulsory purchase** (Compensation).
Housing Acts, under. *See* **Housing** (Compulsory purchase—Compensation).

COMPENSATION (cont)

Crime—

Generally. *See* **Sentence** (Compensation).

Criminal injuries—

Reduction of award or rejection of claim—

Character and way of life of victim—Victim having criminal record of violence and dishonesty—Victim injured in unprovoked assault—No connection between assault and victim's character and way of life—Whether Criminal Injuries Compensation Board entitled to withhold award—Criminal Injuries Compensation Scheme (1979 revision), para 6(*c*). **R v Criminal Injuries Compensation Board, ex p Thompstone, R v Criminal Injuries Compensation Board, ex p Crowe** [1983] 1 936, QBD.

Housing—

Clearance area—

Compensation for land purchased compulsorily. *See* **Housing** (Compulsory purchase—Compensation).

COMPETITION

Trade—

European Economic Community—

Rules. *See* **European Economic Community** (Rules on competition).

COMPROMISE

Offer made before hearing—

Injunction—

Application by plaintiff for interlocutory injunction—Offer by defendant to submit to injunction—Offer made 'without prejudice'—Effect of offer on court's discretion in awarding costs. **Computer Machinery Co Ltd v Drescher** [1983] 3 153, ChD.

COMPULSORY PURCHASE

Compensation—

Certificate of alternative development—

Application for certificate—Matters to be considered—Assumptions to be made by planning authority—Assumption that no part of land in question to be acquired by authority having compulsory purchase powers—Whether planning authority must also assume that land not to be used for public purposes—Whether relevant that alternative sites available to meet public need—Whether application to be considered by reference to date of application for certificate or date of first proposal to acquire land compulsorily—Land Compensation (Scotland) Act 1963, s 25. **Grampian Regional Council v Secretary of State for Scotland** [1983] 3 673, HL.

Housing—

Clearance area. *See* **Housing** (Compulsory purchase—Compensation).

Housing. *See* **Housing** (Compulsory purchase).

COMPULSORY WINDING-UP

Company. *See* **Company** (Compulsory winding-up).

COMPUTER PRINT-OUT

Admissibility in evidence—

Criminal proceedings—

Record relating to trade or business. *See* **Criminal evidence** (Record relating to trade or business—Computer print-out of bank account).

CONFIDENTIAL INFORMATION

Breach of confidence. *See* **Equity** (Breach of confidence).

Disclosure—

Ex parte proceedings—

Practice. *See* **Practice** (Conduct of proceedings—Access to confidential information).

CONFLICT OF LAWS

Contract—

Insurance policy—

Proper law of contract. *See* Contract—Proper law of contract—Insurance policy, *post*.

Proper law of contract—

Contract of employment—Libyan company employing Scotsman through agent in London to work in Libya—Contract made in London—Whether proper law of contract English or Libyan law. **Coupland v Arabian Gulf Petroleum Co** [1983] 2 434, QBD.

Insurance policy—Marine insurance—Lloyd's SG form—Kuwaiti insurance company insuring vessel owned by Liberian company resident in Dubai—Policy based on Lloyd's standard marine insurance policy—Policy not specifying proper law of contract—Policy issued and to be performed in Kuwait—Liberian owners seeking to bring proceedings in England against Kuwaiti insurers—Owners seeking leave to serve writ on insurers out of jurisdiction—Whether English law to be inferred as proper law from use of Lloyd's policy—Whether court should grant leave to serve writ out of jurisdiction—RSC Ord 11, rr 1(1)(*f*)(iii), 4(2). **Amin Rasheed Shipping Corp v Kuwait Insurance Co, The Al Wahab** [1983] 2 884, HL.

Swiss company having account with London branch of American bank—New York court ordering bank to produce documents relating to company held by London branch—Whether proper law of banking contract English or New York law. **X AG v A bank** [1983] 2 464, QBD.

Foreign judgment—

Enforcement—

Action in England—Action in rem. *See* **Admiralty** (Jurisdiction—Action in rem—Arrest of ship—Enforcement of foreign judgment).

CONFLICT OF LAWS (cont)

Foreign judgment (cont)—

Enforcement (cont)—

Public policy—Plaintiff commencing proceedings in New York court for repayment of moneys under guarantee—Defendant taking no steps to defend action in New York—Plaintiff obtaining judgment in New York court and seeking summary judgment in England—Defendant contending that enforcement of New York judgment would be contrary to public policy on ground that guarantee obtained by undue influence—Whether agreement obtained by undue influence grounds for English court refusing to enforce foreign judgment based on agreement—Whether defendant could rely on public policy to assert that foreign judgment should not be recognised if law and practice of foreign country the same as in England but where defendant had failed to raise public policy defence available to him in foreign court. **Israel Discount Bank of NY v Hadjipateras** [1983] **3** 129, CA.

Enforcement or recognition—

Jurisdiction of foreign court—Submission to jurisdiction by defendant—Sudanese company contracting to sell goods to Swiss company—Contract evidenced by sold note—Sold note referring to conditions of contract 'as per' standard form—Standard form stating that disputes to be referred to arbitration in London—Buyers bringing action in Swiss court for damages for breach of contract—Sellers entering plea in Swiss court requesting stay of proceedings on ground that dispute should be settled under arbitration clause incorporated into contract—Swiss court dismissing plea—Sellers asking arbitrators to proceed with arbitration in London—Buyers claiming that sellers estopped by Swiss judgment from asserting that arbitration clause incorporated into contract—Whether Swiss judgment should be recognised or enforced by English court—Civil Jurisdiction and Judgments Act 1982, ss 32, 33, Sch 13, para 8. **Tracomin SA v Sudan Oil Seed Co Ltd (No 1)** [1983] **3** 137, CA.

Foreign law—

New Zealand statute—

Statute providing that historic articles unlawfully removed 'shall be forfeited' to Her Majesty—Whether goods so removed automatically forfeited on removal from New Zealand—Whether forfeiture dependent on seizure of goods—Whether Crown's title accruing only on seizure—Historic Articles Act 1962 (NZ), s 12(2). **Attorney General of New Zealand v Ortiz** [1983] **2** 93, HL.

Foreign order—

Enforcement—

New York subpoena—Swiss company having account with London branch of American bank—New York court issuing subpoena against bank to produce documents relating to company held by London branch of bank—Production of documents likely to constitute breach of banking contract and breach of bank's duty of confidentiality—Whether private interest of confidentiality between banker and customer should prevail over duty of disclosure to foreign court—Whether court should restrain bank from disclosing documents. **X AG v A bank** [1983] **2** 464, QBD.

Foreign proceedings—

Restraint of foreign proceedings—

Circumstances in which court will restrain foreign proceedings—Contract providing for arbitration in London—Contract between Swiss buyers and Sudanese sellers—Buyers commencing proceedings in Swiss court for breach of contract—Seller asking Swiss court to stay proceedings in view of arbitration agreement—Swiss court giving judgment for buyers on basis of Swiss law in absence of evidence of English law—Sellers seeking injunction from English court to restrain buyers from proceeding further with Swiss proceedings—Whether court having jurisdiction to restrain buyers from instituting or maintaining foreign proceedings in breach of arbitration agreement—Whether sellers' failure to inform Swiss court of relevant English law a reason for English court to refuse injunction—Whether duplicity of proceedings sufficient reason to restrain buyers from proceeding in Swiss court. **Tracomin SA v Sudan Oil Seed Co Ltd (No 2)** [1983] **3** 140, CA.

Circumstances in which court will restrain foreign proceedings—No alternative forum in England or elsewhere—Critical equation of advantage to defendant and disadvantage to plaintiff if foreign proceedings restrained—Whether injunction should be granted restraining plaintiff from continuing foreign proceedings. **British Airways Board v Laker Airways Ltd** [1983] **3** 375, QBD & CA.

Jurisdiction—Defendant a British resident who made a licensing agreement with English subsidiary of American company based in Pennsylvania—Agreement made and performed in England—Defendant bringing action for breach of contract and damages against English subsidiary and American company in Pennsylvania—English subsidiary seeking injunction to restrain defendant from continuing proceedings in Pennsylvania—Whether court having jurisdiction to grant injunction—Whether advantages of Pennsylvanian forum relied on by defendant amounting to legitimate juridical advantages. **Smith Kline & French Laboratories Ltd v Bloch** [1983] **2** 72, CA.

Tort—

Proper law of tort—

Effect of contract on proper law—Scottish plaintiff employed by Libyan company to work in Libya—Contract governed by Libyan law—Plaintiff suffering personal injuries in course of employment in Libya—Plaintiff bringing action for damages in tort in England—Whether proper law of tort English law or Libyan law—Whether fact that contract governed by Libyan law having effect on claim in tort under English law. **Coupland v Arabian Gulf Petroleum Co** [1983] **3** 226, CA.

Trade—

Protection of trading interests—

Damage to United Kingdom trading interests. *See* **Trade** (Protection of trading interests—Damage to United Kingdom trading interests—Conflict of laws).

CONSERVATION AREA

Generally. *See* **Town and country planning** (Conservation area).

CONSPIRACY

Criminal. *See* **Criminal law** (Conspiracy).

CONSTABLE

Arrest without warrant by. *See* **Arrest** (Arrest without warrant—Constable).

CONSTABLE (cont)
Obstruction. *See* **Criminal law** (Obstructing constable in execution of duty).

CONSTITUTIONAL LAW
Diplomatic privilege—
Immunity from legal process—
Residence of diplomatic agent—Lease of residence—Action to enforce obligations under lease—Landlord letting house to French government for use as residence of diplomatic agent—French government undertaking to allow landlord to enter premises for inspection and repairs—Landlord refused access in breach of undertaking—Whether diplomatic agent protected from suit by diplomatic immunity—Whether action a 'real action' exempting diplomat from immunity—Diplomatic Privileges Act 1964, Sch 1, arts 1, 31, 37. **Intro Properties (UK) Ltd v Sauvel** [1983] **2** 495, CA.
Elections. *See* **Elections.**
Foreign sovereign state—
Immunity from suit—
Exceptions—Proceedings relating to interest in or possession of immovable property—Action to enforce obligation under lease—Landlord letting house to French government—House used as residence of diplomatic agent—Whether court having jurisdiction to entertain action by landlord to enter and repair premises—Whether proceedings relating to an interest in or possession of property—Whether property used for purposes of diplomatic mission—Whether French government immune from proceedings—State Immunity Act 1978, ss 6, 16(1)(*b*). **Intpro Properties (UK) Ltd v Sauvel** [1983] **2** 495, CA.

CONSTRUCTIVE TRUST
See **Trust and trustee** (Constructive trust).

CONSUMER PROTECTION
Price marking—
Bargain offers relating to goods—
Prohibition on statements implying that advertised price lower than another price for sale of goods of same description—Goods of same description—Company offering for sale one item at 'special clearance price'—Whether offence committed—Whether prohibition applying only where comparison invited between advertised goods and other goods of same description—Whether prohibition covering one item marked down as against itself—Price Marking (Bargain Offers) Order 1979, arts 2(1)(*a*) 3(1)(*b*). **West Yorkshire Metropolitan CC v MFI Furniture Centre Ltd** [1983] **3** 230, QBD.
Prohibition on statements implying that advertised price lower than another price for sale of goods of same description—Test to be applied in determining meaning of words used in offer—Price Marking (Bargain Offers) Order 1979, arts 2(1)(*a*), 3(1)(*b*). **West Yorkshire Metropolitan CC v MFI Furniture Centre Ltd** [1983] **3** 234, QBD.

CONTEMPT OF COURT
Civil contempt—
Committal—
Generally. *See* Committal, *post*.
Committal—
Breach of court order—
Period of custody—Contemnor sentenced to two years' imprisonment for breach of court order—Severity of sentence intended to coerce contemnor into complying with order—Application for order for release of contemnor after he had served 12 months of his sentence—Evidence that sentence having no coercive effect—Whether court should order contemnor's release. **Enfield London Borough Council v Mahoney** [1983] **2** 901, CA.
Breach of injunction—
Jurisdiction—County court—Extent of jurisdiction—Whether county court an 'inferior court'—Whether court's power to commit person to prison for civil contempt restricted to committal for fixed term not exceeding one month—Contempt of Court Act 1981, s 14(1). **Peart v Stewart** [1983] **1** 859, HL.
County court—
Jurisdiction—
Committal—Breach of injunction. *See* Committal—Breach of injunction—Jurisdiction—County court, *ante*.
Publications concerning legal proceedings—
Postponement of publication—
Prohibition of publication of name or other matter in connection with proceedings—Orders—Practice—Contents of orders—Permanent record of orders to be kept—Notice to press—Responsibility of editors and reporters—Contempt of Court Act 1981, ss 4(2), 11. **Practice Note** [1983] **1** 64, QBD.
Release of contemnor—
Application for release of contemnor—
Contemnor to be present in court—Exception where Mental Health Act 1959 applies. **Practice Direction.** [1983] **2** 1066, FamD.
Restrictive Practices Court—
Breach of undertaking given to court. *See* **Restrictive trade practices** (Contempt of court—Breach of undertaking given to court).

CONTINGENT INTEREST
Settlement. *See* **Settlement** (Contingent interest).

CONTRACT
Acceptance. *See* Offer and acceptance—Acceptance, *post*.
Agent—
Misrepresentation—
Liability. *See* **Misrepresentation** (Agent—Liability).
Arbitration—
Generally. *See* **Arbitration.**

Breach—

Damages. *See* Damages for breach, *post*.

Inducement to commit breach of contract—

Tort. *See* **Tort** (Inducement to commit breach of contract).

Unfair dismissal. *See* **Unfair dismissal**.

University—

Jurisdiction of visitor. *See* **University** (Visitor—Modern university—Jurisdiction of visitor—Contract).

Waiver—

Conduct amounting to waiver—Owners chartering vessel to charterers—Charterparty providing for withdrawal of vessel in event of any breach of charterparty—Charterers issuing inaccurate bills of lading—Owners indicating that charterers in breach of charterparty—Owners purporting to withdraw vessel three weeks after breach—Whether owners entitled to withdraw vessel—Whether owners exercising right of withdrawal within reasonable time. **Antaios Cia Naviera SA v Salen Rederierna AB, The Antaios** [1983] 3 777, CA.

Carriage—

Goods. *See* **Carriers** (Contract—Carriage of goods).

Conflict of laws. *See* **Conflict of laws** (Contract).

Construction—

Exception clause—

Liability limited in amount—Complete failure to perform contract—Whether defendant entitled to rely on limitation clause when he has totally failed to perform contractural services. **Ailsa Craig Fishing Co Ltd v Malvern Fishing Co Ltd** [1983] 1 92, CA

Damages for breach—

Alternative obligations—

Defendant free to choose method of fulfilling contractual obligations—Basis for assessment of damages—Damages to be assessed according to method of performance least unfavourable to defendant—Defendant's freedom of choice limited to reasonable methods of performance. **Paula Lee Ltd v Robert Zehil & Co Ltd** [1983] 2 390, QBD.

Deposit—

Sale of ships—Purchaser agreeing to pay deposit as security—Purchaser failing to pay deposit and to complete purchase—Vendor reselling ships for less than contract price—Vendor's actual loss less than amount of unpaid deposit—Whether vendor entitled to recover amount of deposit—Whether vendor limited to recovering actual loss as damages. **Damon Cia Naviera SA v Hapag-Lloyd International SA** [1983] 3 510, QBD.

Licence—

Contractual licence to occupy premises—Terms of licence providing that fixtures not to be removed at end of licence—Licensee expending money on fixtures—Licensor ejecting licensee in breach of contract—Licensee moving to rent free premises until after licence would have expired—Licensee claiming cost of fixtures as damages—Whether licensee entitled to be put in same position as before contract—Whether licensee only entitled to be put in position he would have been in if contract performed. **C & P Haulage (a firm) v Middleton** [1983] 3 94, CA.

Deposit—

Sale of ships—

Damages for breach of contract. *See* Damages for breach—Deposit—Sale of ships, *ante*.

Duress—

Economic duress—

Commercial pressure—What constitutes duress in commercial contract—Transaction between tied dealer and petrol supplier—Transaction to raise finance from supplier—Whether supplier's refusal to release dealer from pre-existing contractual tie with supplier economic duress. **Alec Lobb (Garages) Ltd v Total Oil GB Ltd** [1983] 1 944, ChD.

Employment—

Generally. *See* **Master and servant** (Contract of service).

Proper law of contract—

Conflict of laws. *See* **Conflict of laws** (Contract—Proper law of contract—Contract of employment).

Exception clause—

Construction. *See* Construction—Exception clause, *ante*.

Incorporation in contract—

Course of dealing—Common trade usage—Plaintiffs aware of clause—Whether exception clause forming part of contract. **George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd** [1983] 1 108, CA.

Frustration—

War—

Charterparty—Vessel under charterparty trapped in Shatt al-Arab river by war between Iran and Iraq—Whether declaration of war automatically frustrating charterparty. **Finelvet AG v Vinava Shipping Co Ltd, The Chrysalis** [1983] 2 658, QBD.

Fundamental breach—

Effect on clause limiting liability—

Construction of exclusion clause—Whether exclusion clause inoperative because of fundamental breach. **George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd** [1983] 2 737, HL.

Guarantee. *See* **Guarantee**.

Implied term—

First refusal—

Agreement giving defendants option to use plaintiffs' idea for television series in which plaintiffs wished to appear—Agreement providing that if plaintiffs unable to appear in series defendants entitled to produce series with other actors—Defendants using other actors to produce series without first offering parts to plaintiffs—Whether a negative covenant to be implied into agreement that if plaintiffs willing to appear defendants would not use plaintiffs' idea for series without using plaintiffs as actors—Whether defendants' failure to offer parts to plaintiffs a breach of contract. **Fraser v Thames Television** [1983] 2 101, QBD.

CONTRACT (cont)
Implied term (cont)—
Implication necessary to give business efficacy to contract—
Licence to occupy factory—Factory becoming unsuitable and dangerous forcing licensee to relocate and suffer loss—Whether term to be implied in licence that factory fit for purpose required by licensee. **Wettern Electric Ltd v Welsh Development Agency** [1983] **2** 629, QBD.
Sale of goods—
Merchantable quality. *See* **Sale of goods** (Implied condition as to merchantable quality).
Inducement of breach—
Tort. *See* **Tort** (Inducement to commit breach of contract).
Licence—
Contractual licence to occupy premises. *See* **Licence** (Licence to occupy premises—Contractual licence).
Limitation of liability—
Exception clause—
Construction. *See* Construction—Exception clause—Liability limited in amount, *ante*.
Fundamental breach of contract—
Effect on clause limiting liability. *See* Fundamental breach—Effect on clause limiting liability, *ante*.
Marine insurance. *See* **Marine insurance.**
Misrepresentation—
Agent. *See* **Misrepresentation** (Agent).
Mistake—
Valuer—
Valuation. *See* **Valuer** (Valuation—Mistake).
Offer and acceptance—
Acceptance—
Acceptance by purchaser with reservation of right to nominate subsequent purchaser—Terms agreed by exchange of telexes—Parties agreeing to execute memorandum of agreement—Purchaser's nominee failing to execute memorandum of agreement—Whether contract validly concluded by exchange of telexes—Whether purchaser bound personally by the contract until nomination of subsequent purchaser. **Damon Cia Naviera SA v Hapag-Lloyd International SA** [1983] **3** 510, QBD.
Retrospective acceptance—Contractual licence to occupy factory—Licensee occupying and later moving from factory due to licensor's breach before indicating acceptance by prescribed mode—Whether late acceptance constituting contract with effect from date of occupancy thus entitling licensee to bring action for breach—Whether offer and acceptance arising from parties' other actions so as to create contract with effect from date of occupancy. **Wettern Electric Ltd v Welsh Development Agency** [1983] **2** 629, QBD.
Option. *See* **Option.**
Penalty—
Indemnity clause—
Defendants agreeing to construct oil refinery for oil companies—Bankers agreeing to provide financing for project—Oil companies issuing promissory notes—Plaintiffs guaranteeing notes to bankers—Contract made between plaintiffs and defendants providing for defendants to indemnify plaintiffs if defendants in breach of contractual obligations to other parties—Whether a penalty clause. **Export Credits Guarantee Dept v Universal Oil Products Co** [1983] **2** 205, QBD, CA & HL.
Proper law—
Generally. *See* **Conflict of laws** (Contract—Proper law of contract).
Public body—
Corruption of officer or employee—
Criminal offence. *See* **Criminal law** (Corruption).
Sale of goods—
Generally. *See* **Sale of goods.**
Service—
Generally. *See* **Master and servant** (Contract of service).
Proper law. *See* **Conflict of laws** (Contract—Proper law of contract—Contract of employment).
Tenancy agreement—
Agricultural holding. *See* **Agricultural holding** (Tenancy).
Time charterparty. *See* **Shipping** (Time charterparty).
Unconscionable bargain—
Equitable relief. *See* **Equity** (Unconscionable bargain).

CONTRACTOR
All risks insurance. *See* **Insurance** (All risks insurance—Contractors' all risks policy).

CONTROLLED DRUGS
Generally. *See* **Drugs** (Controlled drugs).

CONVERSION
Damages—
Measure of damages—
Hire-purchase—Disposal of goods by hirer—Sale of goods by convertor. *See* **Hire-purchase** (Damages—Disposal of goods by hirer—Sale of goods by convertor).
Sale of profit-earning chattel by lessee without title—Defendant purchaser admitting liability—Plaintiffs claiming hire charges from date of conversion until return of chattel as damages—Defendant contending damages should be value of chattel at date of conversion plus interest—Whether either approach to be preferred—Whether assessment of damages for interference with goods the same under statute as damages at common law for conversion—Torts (Interference with Goods) Act 1977, s 3. **Hillsden Securities Ltd v Ryjack Ltd** [1983] **2** 184, QBD.

CONVEYANCE
Restrictive covenant. *See* **Restrictive covenant affecting land.**

CORPORATION
Visitor—
Aston
Damages—Moneys wrongfully withheld from member of foundation or had and received to his use or impressed with trust in his favour—Whether visitor having jurisdiction to order payment of money to member. **Casson v University of aston in Birmingham** [1983] 1 88, Visitor.

CORPORATION TAX
Capital allowances. *See* **Income tax** (Capital allowances).

CORRUPTION
Criminal offence. *See* **Criminal law** (Corruption).

COSTS
Arbitration—
Generally. *See* **Arbitration** (Costs).
County court. *See* **County court** (Costs).
Court of Protection—
Practice. *See* **Mental health** (Court of Protection—Practice—Costs).
Criminal cases—
Generally. *See* **Criminal law** (Costs).
Employment Appeal Tribunal—
Reference to Court of Justice of the European Communities—
European Court reserving costs of reference to Employment Appeal Tribunal—Whether appeal tribunal having jurisdiction to make order for costs of reference—Employment Appeal Tribunal Rules 1980, r 27. **Burton v British Rlys Board** [1983] 1 1094, EAT.
Injunction—
Mareva injunction—
Costs of innocent third party. *See* **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction—Costs of innocent third party).
'Without prejudice' offer to submit to injunction—
Effect of offer on court's discretion in awarding costs. *See* **Compromise** (Offer made before hearing—Injunction).
Interlocutory application—
Evidence—
Admissibility—Motion for interlocutory relief—Documents obtained by plaintiff after hearing of motion—Plaintiff alleging that the documents material to question of costs—Whether documents admissible in evidence on question of costs—Supreme Court Act 1981, s 51(1). **Computer Machinery Co Ltd v Drescher** [1983] 3 153, ChD.
Mareva injunction—
Costs of innocent third party. *See* **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction—Costs of innocent third party).
Official Solicitor—
Order for costs against Official Solicitor—
Official Solicitor applying in his official capacity for release of contemnor from custody—Application dismissed—Whether proper to order Official Solicitor to pay costs. **Enfield London Borough Council v Mahoney** [1983] 2 901, CA.
Payment into court—
Practice. *See* **Practice** (Payment into court).
Review of taxation. *See* Taxation—Review of taxation, *post*.
Security for costs—
Arbitration proceedings. *See* **Arbitration** (Costs—Security for costs).
Taxation—
Review of taxation—
Procedure—Chancery Division—RSC Ord 62, r 35. **Practice Direction** [1983] 1 131, ChD.

COUNCILLOR
Local government—
Inspection of documents in council's possession. *See* **Local government** (Documents—Inspection—Inspection by councillor).

COUNSEL
Fees—
Taxation of costs—
Legal aid cases—Scope of certificate. *See* **Legal aid** (Certificate—Scope of certificate—Counsel's fees).

COUNTY COURT
Contempt of court—
Committal—
Jurisdiction—Breach of injunction. *See* **Contempt of court** (Committal—Breach of injunction—Jurisdiction—County court).
Costs—
Small claims procedure—
Plaintiff making claim within limits of small claims procedure—Defendant admitting negligence but denying liability—Whether defence 'unreasonable'—Whether plaintiff's solicitor's charges incurred through defendant's unreasonable conduct—Whether plaintiff entitled to costs—CCR 1936 Ord 19, r 1(4)(11). **Newland v Boardwell, MacDonald v Platt** [1983] 3 179, CA.
Funds in court—
Transfer to High Court. *See* **Practice** (Funds in court—Transfer to High Court from county court).
Injunction—
Husband and wife—
Domestic violence. *See* **Injunction** (Husband and wife—Domestic violence).
Jurisdiction—
Injunction—
Domestic violence. *See* **Injunction** (Husband and wife—Domestic violence).

COUNTY COURT (cont)
Practice—
Funds in court—
Investment. *See* **Practice** (Funds in court—Investment of funds in court).
Transfer to High Court. *See* **Practice** (Funds in court—Transfer to High Court from county court).
Parties—
Correction of name of party after expiry of limitation period. *See* **Practice** (Parties—Correction of name of party after expiry of limitation period).

COURT
Contempt of court. *See* **Contempt of court**.
Sale of land by court. *See* **Sale of land** (Sale by court).

COURT OF APPEAL
Affidavit—
Marking etc. *See* **Practice** (Affidavit—Court of Appeal and High Court—Marking).
Appeal—
Appeal from registrar—
Jurisdiction of single judge. *See* Jurisdiction—Appeal from registrar—Jurisdiction of single judge, *post*.
Arbitration—
Appeal against award—Appeal against grant or refusal of leave to appeal to High Court. *See* **Arbitration** (Award—Leave to appeal to Court of Appeal against grant or refusal of leave to appeal to High Court).
Dismissal—
Practice—Request for dismissal of civil appeals—Initialling request—Initialling by judge of court or by Registrar of Civil Appeals. **Practice Direction** [1983] **1** 448, CA.
Estimate of length of hearing—
Civil Division—Importance of estimates for listing appeals—Registrar to be informed of any revision of original estimate. **Practice Note** [1983] **3** 544, CA.
Hearing—
Practice. *See* Practice—Hearing, *post*.
Presentation—
Practice—Civil Division. *See* Practice—Civil Division—Presentation of appeals, *post*.
Arbitration—
Appeal against award—
Appeal against grant or refusal of leave to appeal to High Court. *See* **Arbitration** (Award—Leave to appeal to Court of Appeal against grant or refusal of leave to appeal to High Court).
Costs—
Criminal cases—
Award out of central funds. *See* **Criminal law** (Costs—Award out of central funds—Court of Appeal).
Criminal cause or matter—
Legal aid. *See* **Legal aid** (Criminal cases—Appeal—Court of Appeal).
Reference by Secretary of State. *See* **Criminal law** (Reference by Secretary of State).
Documents—
Practice. *See* **Practice** (Document—Court of Appeal and High Court).
Exhibits—
Practice. *See* **Practice** (Exhibits—Court of Appeal and High Court).
Jurisdiction—
Appeal from Divisional Court—
Application for judicial review—Appeal not lying in any criminal cause or matter—Judicial review of decision relating to exhibits in criminal proceedings—Whether decision of Divisional Court a judgment in a 'criminal cause or matter'—Supreme Court Act 1981, s 18(1)(*a*). **R v Stipendiary Magistrate at Lambeth, ex p McComb** [1983] **1** 321, CA.
Appeal from registrar—
Jurisdiction of single judge—Appeal to single judge from registrar's determination in proceedings incidental to pending cause or matter—Jurisdiction of single judge—Whether judge entitled to consider matter afresh unfettered by registrar's decision—Whether judge limited to reviewing exercise of registrar's discretion—Supreme Court Act 1981, s 58(2)—RSC Ord 59, r 14(11)(12). **Van Stillevoldt (CM) BV v El Carriers Inc** [1983] **1** 699, CA.
Leave to appeal—
Necessity—
Appeal against order refusing to set aside arbitration award or to remit it to umpire—Whether order refusing an interlocutory or a final order. **Moran v Lloyd's** [1983] **2** 200, CA.
Libel action—
Damages—
Appeal. *See* **Libel and slander** (Damages—Appeal).
Practice—
Civil Division—
Presentation of appeals—Skeleton arguments—Notes for hearings. **Practice Note** [1983] **2** 34, CA.
Dismissal of appeal. *See* Appeal—Dismissal, *ante*.
Documents to be lodged by appellant—
Duty to comply with rules and directions as to bundles of documents. **Practice Note** [1983] **2** 416, CA.
Hearing—
Estimate of length of hearing. *See* Appeal—Estimate of length of hearing, *ante*.
Fixed date—Vacation of fixed date for hearing—Matters on which court must be satisfied before it will allow date to be vacated. **Unilever Computer Services Ltd v Tiger Leasing SA** [1983] **2** 139, QBD.
New practice and procedure—
Civil Division—Applications for leave to appeal—Applications to single judge—Applications to be heard in open court. **Practice Note** [1983] **2** 199, CA.

COURT OF APPEAL (cont)
Single judge—
Jurisdiction—
Appeal from registrar. *See* Jurisdiction—Appeal from registrar—Jurisdiction of single judge, *ante*.

COURT OF PROTECTION
Practice—
Generally. *See* **Mental health** (Court of Protection—Practice).

COURT REGISTER
Magistrates' court—
Practice. *See* **Magistrates** (Procedure—Court register).

CREDIT
Documentary credit. *See* **Bank** (Documentary credit).

CRIMINAL EVIDENCE
Character of accused—
Imputation on character of prosecutor or witness—
Discretion of court—Discretion over allowing accused to be cross-examined as to his previous convictions—Exercise of discretion—Prosecution witness alleging that accused had admitted guilt in course of lengthy conversations—Accused denying that conversations took place—Accused not expressly alleging that prosecution witness had fabricated evidence against him—Whether imputation on character of prosecution witness—Whether court should give prosecution leave to cross-examine accused as to previous convictions—Criminal Evidence Act 1898, s 1(*f*)(ii). **R v Britzman, R v Hall** [1983] 1 369, CA.
Police—Confession—Allegation that police witness concocted confession—Whether cross-examination of accused as to previous conviction permissible. *See* Character of accused—Previous conviction—Cross-examination as to previous conviction—Imputation on character of prosecutor or witness—Police, *ante*.
Previous conviction—
Cross-examination as to previous conviction—Imputation on character of prosecutor or witness—Police—Confession—Allegation that police witness concocted confession—Whether cross-examination as to previous convictions permissible—Criminal Evidence Act 1898, s 1(*f*)(ii). **R v Watts** [1983] 3 101, CA.
Evidence in absence of jury. *See* **Criminal law** (Trial—Evidence in absence of jury).
Exhibits—
Preservation and retention—
Duty of court or prosecution—Exhibits needed for separate trials in different courts—Court in England and court abroad—Exhibits needed for committal proceedings in England and for appeal in Republic of Ireland—Exhibits released to English Director of Public Prosecutions by Irish court for use in committal proceedings in England—Director undertaking to return exhibits to Irish court on termination of committal proceedings—Whether Director required to seek consent of Crown Court or High Court before returning exhibits to Irish court in event of committal proceedings resulting in committal for trial. **R v Stipendiary Magistrate at Lambeth, ex p McComb** [1983] 1 321, QBD & CA.
Expert evidence—
Hearsay. *See* Hearsay—Expert witness, *post*.
Legal professional privilege—
Communications between solicitor and expert witness—Handwriting expert consulted by accused's solicitor—Documents made available to expert by solicitor for examination—Whether Crown entitled to call expert as witness—Whether Crown entitled to require production of documents made available to expert by accused's solicitor—Whether documents protected by legal professional privilege. **R v King** [1983] 1 929, CA.
Handwriting—
Comparison of handwriting—
Admissibility for comparison with disputed handwriting—Satisfaction of judge that writing to be admitted genuine—Standard of proof—Whether criminal standard of proof—Whether judge must be satisfied beyond reasonable doubt that writing to be admitted is genuine—Criminal Procedure Act 1865, s 8. **R v Ewing** [1983] 2 645, CA.
Hearsay—
Expert witness—
Expert witness relying on unpublished work of other experts to arrive at his conclusion—Whether expert required to refer to work of others in his evidence—Whether reference to work of others in evidence infringing hearsay rule. **R v Abadom** [1983] 1 364, CA.
Improper conduct of accused on other occasions—
Information as to accused's bad character—
Whether desirable in interests of fair trial that judge should know of during trial that accused is of bad character. **R v Ewing** [1983] 2 645, CA.
Judicial notice—
Offensive weapons—
Flick knife an offensive weapon per se—Prevention of Crime Act 1953, s 1(1)(4). **R v Simpson** [1983] 3 789, CA.
Record relating to trade or business—
Computer print-out of bank account—
Operator who fed information not reasonably to be expected to recollect information he supplied to computer because of lapse of time—Whether computer print-out of account showing payments into account admissible as evidence of payment into account—Whether print-out a 'document'—Whether computer operator a person having personal knowledge of matters dealt with in information supplied—Criminal Evidence Act 1965, s 1(1). **R v Ewing** [1983] 2 645, CA.

CRIMINAL EVIDENCE (cont)
Written statement—
Evidential value—
Prosecution serving on defendant copy of statement to be used at trial—Defendant not serving any notice requiring maker of statement to attend trial—Statement of prosecution witness read to court—Evidence given by defendant contradicting evidence in prosecution witness's statement—Whether prosecution witness's statement conclusive evidence of matters stated in it—Whether defendant entitled to contradict statement—Criminal Justice Act 1967, s 9. **Lister v Quaife** [1983] 2 29, QBD.

CRIMINAL INJURIES
Compensation. *See* **Compensation** (Criminal injuries).

CRIMINAL LAW
Arrest.
Arson. *See* Damage to property—Arson, *post*.
Assault—
Indecent assault. *See* Indecent assault, *post*.
Assisting offender—
Assisting in retention etc of stolen goods. *See* Handling stolen goods—Undertaking or assisting in retention, etc, *post*.
Automatism—
Insanity distinguished—
Epileptic seizure—Seizure causing total deprivation of understanding and memory—Epileptic inflicting grievious bodily harm during seizure—Whether accused entitled to rely on automatism as a defence—Whether accused's condition during seizure amounting to insanity—Whether proper verdict not guilty to reason of insanity—Trial of Lunatics Act 1883, s 2(1)—Criminal Procedure (Insanity) Act 1964, s 5(1). **R v Sullivan** [1983] 2 673, HL.
Self-induced automatism—
Availability of defence of automatism—Accused suffering from diabetes—Accused in state of automatism due to hypoglaecemia following failure to eat food after drinking mixture of sugar and water—Accused striking victim with iron bar—Accused charged with wounding with intent, alternatively with unlawful wounding—Whether defence of automatism available to accused—Offences against the Person Act 1861, ss 18, 20. **R v Bailey** [1983] 2 503, CA.
Bail—
Crown Court—
Applications—Procedure. *See* **Crown Court** (Bail—Applications).
Recognisance—
Forfeiture—Magistrates' court—Surety's means—Magistrates refusing to hear evidence of means—Whether surety's means relevant in determining amount of recognisance to be forfeited—Magistrates' Courts Act 1980, s 120(3). **R v Uxbridge Justices, ex p Heward-Mills** [1983] 1 530, QBD.
Brothel—
Keeping a brothel—
Meaning of brothel—Massage parlour offering sexual services not including full sexual intercourse—Whether essential that normal sexual intercourse be provided to establish that premises used as brothel—Whether sufficient that acts amounting to prostitution by more than one woman took place on premises—Sexual Offences Act 1956, s 33. **Kelly v Purvis** [1983] 1 525, QBD.
Burglary—
Inflicting grievous bodily harm—
Whether open to jury to convict accused of lesser offence of assault occasioning actual bodily harm. *See* **Indictment** (Conviction of lesser offence—Inflicting grievous bodily harm—Charge of burglary by entering a building as a trespasser and inflicting grievous bodily harm).
Committal—
Preliminary hearing before justices—
Publicity—Order lifting restrictions—More than one accused—Objections by one accused to lifting of reporting restrictions—Factors to be considered by examining justices in deciding whether to order reporting restrictions to be lifted—Whether 'in the interest of justice' to order lifting of restrictions—Magistrates' Courts Act 1980, s 8(2A)—Criminal Justices (Amendment) Act 1981, s 1. **R v Leeds Justices, ex p Sykes** [1983] 1 460, QBD.
Compensation—
Victims of crimes of violence. *See* **Compensation** (Criminal injuries).
Compensation order. *See* **Sentence** (Compensation—Order).
Conspiracy—
Fraud—
Conspiracy to defraud—Conspiracy to be carried out abroad—Performance of conspiracy would cause economic loss and damage to proprietary rights of company within jurisdiction—Whether conspiracy indictable in England. **A-G's Reference (No 1 of 1982)** [1983] 2 721, CA.
Conspiracy to defraud—Conspiracy to be carried out abroad—Performance of conspiracy would injure company in England by causing it damage abroad—Whether conspiracy indictable in England. **A-G's Reference (No 1 of 1982)** [1983] 2 721, CA.
Controlled drugs. *See* **Drugs** (Controlled drugs).
Corruption—
Presumption of corruption—
Gift or consideration received by employee of public body—Consideration—Employee receiving goods or services from company holding contract with public body—Whether receipt of goods or services constituting 'consideration'—Whether Crown required to prove whether value given for goods or services—Whether receipt of goods or services raising presumption that they were received corruptly—Prevention of Corruption Act 1906, s 1—Prevention of Corruption Act 1916, s 2. **R v Braithwaite, R v Girdham** [1983] 2 87, CA.
Costs—
Award out of central funds—
Court of Appeal—Defendant's conviction by Crown Court quashed on appeal to Court of Appeal—Order made for payment of defence costs 'here and below' out of central funds—Need for bills regarding proceedings below to be submitted to Registrar of Criminal Appeals—Costs in Criminal Cases Act 1973, s 7(4). **R v Agritraders Ltd** [1983] 1 1006, CA.

Costs (cont)—
Award out of central funds (cont)—
Court of Appeal—Defendant's conviction by Crown Court quashed on appeal to Court of Appeal—Order made for payment of defence costs 'here and below' out of central funds—Scope of order—Whether order including costs of committal proceedings—Costs in Criminal Cases Act 1973, s 7(1)(3). **R v Agritraders Ltd** [1983] **1** 1006, CA.
Defendant acquitted—Costs 'incurred by' defendant—Defendant's employers undertaking to pay to defendant's costs of defence—Order made for payment of defence costs out of central funds—Whether costs of defence 'incurred by' defendant—Costs in Criminal Cases Act, 1973 s 3(3)(*a*). **R v Miller (Raymond)** [1983] **3** 186, QBD.
Prosecution costs—
Order for payment—Costs incurred in or about prosecution—What constitutes—Effect on order of plea of guilty—Effect on order of long term of imprisonment—Necessity for accurate estimate by Crown of costs of prosecution—Costs in Criminal Cases Act 1973, s 4(1)(*a*). **R v Maher** [1983] **2** 417, CA.
Court of Appeal—
Costs—
Award out of central funds. *See* Costs—Award out of central funds—Court of Appeal, *ante*.
Reference by Secretary of State. *See* Reference by Secretary of State, *post*.
Crown Office list—
Uncontested proceedings. *See* **Practice** (Uncontested proceedings—Crown Office list—Criminal causes or matters).
Damage to property—
Arson—
Actus reus—Coincidence of actus reus and mens rea—Accused accidentally starting fire—Accused later having opportunity to put out fire—Accused failing to do so—Property damaged as a result—Whether omission of accused to act sufficient actus reus—Whether coincidence of actus reus and mens rea—Criminal Damage Act 1971, s 1(1)(3). **R v Miller** [1983] **1** 978, HL.
Recklessness whether property would be destroyed or damaged—
Recklessness—Whether risk of damage or destruction of property must be obvious to a reasonably prudent man although not obvious to accused by reason of his age, lack of understanding, lack of experience or exhaustion—Criminal Damage Act 1971, s 1(1). **Elliott v C (a minor)** [1983] **2** 1005, QBD.
Defence—
Automatism. *See* Automatism, *ante*.
Destruction of property—
Recklessness whether property would be destroyed or damaged. *See* Damage to property—Recklessness whether property would be destroyed or damaged, *ante*.
Disorderly house—
House used by one prostitute for provision of sexual services—
Prostitute advertising that such services available there—Prostitute seeing only one client at a time—No one else present when prostitute providing services for client—Whether prostitute keeping a 'disorderly house'. **R v Tan** [1983] **2** 12, CA.
Drugs—
Offences. *See* **Drugs**.
Evidence. *See* **Criminal evidence**.
Expert evidence. *See* **Criminal evidence** (Expert evidence).
Extradition—
Generally. *See* **Extradition**.
Fraud—
Conspiracy. *See* Conspiracy—Fraud, *ante*.
Grievous bodily harm—
Inflicting grievous bodily harm—
Conviction of lesser offence of assault occasioning actual bodily harm. *See* **Indictment** (Conviction of lesser offence—Inflicting grievous bodily harm).
Wounding with intent to cause grievous bodily harm—
Defence of automatism—Availability of defence where automatism self-induced. *See* Automatism—Self-induced automatism—Availability of defence of automatism, *ante*.
Handling stolen goods—
Compensation order. *See* **Sentence** (Compensation—Order).
Undertaking or assisting in retention, etc—
Doctrine of recent possession—Whether inference that defendant knew goods were stolen can be made in offence of handling by assisting in dealing with recently stolen goods—Theft Act 1968, ss 22(1), 27(3). **R v Ball, R v Winning** [1983] **2** 1089, CA.
Incitement—
Commission of crime—
Impossibility of committing crime—Defendant at father's request encouraging another to rob a woman—Defendant believing robbery would take place—Proposed robbery merely a device by the father to enable him to collect police reward for false information about a false bank raid—Whether defendant guilty of incitement to commit an offence—Whether impossibility of committing proposed offence preventing commission of incitement to commit the offence. **R v Fitzmaurice** [1983] **1** 189, CA.
Indecent assault—
Consent—
Belief of accused—Belief in victim's consent—No reasonable grounds for belief—Whether belief must be both honest and reasonable—Sexual Offences Act 1956, s 14(1). **R v Kimber** [1983] **3** 316, CA.
Indictment. *See* **Indictment**.
Information—
Proceedings before magistrates. *See* **Magistrates** (Information).
Insanity—
Automatism distinguished. *See* Automatism—Insanity distinguished, *ante*.
Jury. *See* **Jury**.

Justices—
Generally. *See* **Magistrates.**

Magistrates—
Generally. *See* **Magistrates.**

Manslaughter—
Causing death by unlawful act—
Reckless driving. *See* **Road traffic** (Reckless driving—Causing death by reckless driving).
Mens rea—
Causing death by unlawful act—Dangerous act—Chain of causation—Accused assaulting third party causing him to fall against victim—Victim receiving injuries in fall and later dying as a result of injuries—Whether unlawful and dangerous act must be aimed at victim—Whether unlawful and dangerous act must be aimed at victim—Whether unlawful and dangerous act must be a direct attack or impact on victim—Whether accused guilty of manslaughter. **R v Mitchell** [1983] 2 427, CA.

Mens rea—
Manslaughter. *See* Manslaughter—Mens rea, *ante*.

Obstructing constable in execution of duty—
Wilful obstruction—
Acts amounting to wilful obstruction—Constable warning licensee of public house of possible police raid on premises—Warning given to ensure licensee not caught by police while breaking licensing laws—Whether warning amounting to 'wilful obstruction' of police in execution of their duty—Police Act 1964, s 51(3). **Moore v Green** [1983] 1 663, QBD.
Acts amounting to wilful obstruction—Defendant interfering with arrest because he thought police officer was arresting innocent person—Whether bystander can ever lawfully interfere with a lawful arrest—Test of 'wilful obstruction' of police—What amounts to wilful obstruction—Police Act 1964, s 51(3). **Hills v Ellis** [1983] 1 667, QBD.

Obtaining pecuniary advantage by deception—
Deception—
Implied representation—Cheque—Representation by drawer—Extent of representation—Drawer giving postdated cheque—Drawer having insufficient funds in account to meet cheque—Cheque dishonoured on presentation—Whether drawer impliedly representing that cheque was a valid order for payment of sum specified—Theft Act 1968, s 16. **R v Gilmartin** [1983] 1 829, CA.
Theft—
Defendant dishonestly switching price label on goods in store and thereby deceiving cashier into charging too low a price—Whether guilty of both theft and obtaining property by deception—Theft Act 1968, ss 1(1), 15(1). **R v Morris** [1983] 2 448, CA.

Obtaining property by deception—
Compensation order. *See* **Sentence** (Compensation—Order).
Deception—
Cheque—Postdated cheque—Representation by drawer—Extent of representation—Postdated cheque dishonoured on presentation—Whether drawer merely representing that he was a customer of bank on which it was drawn—Whether drawer impliedly representing that there would be sufficient funds in account to meet cheque on presentation—Theft Act 1968, s 15. **R v Gilmartin** [1983] 1 829, CA.
Theft and obtaining property by deception. *See* Theft—Obtaining property by deception, *post*.

Offensive weapons—
Article made or adapted for use for causing injury—
Flick knife—Whether an offensive weapon per se—Prevention of Crime Act 1953, s 1(1)(4). **Gibson v Welles** [1983] 1 869, QBD.
Flick knife—Whether an offensive weapon per se—Prevention of Crime Act 1953, s 1(1)(4). **R v Simpson** [1983] 3 789, CA.
Judicial notice. *See* **Criminal evidence** (Judicial notice—Offensive weapons).

Plea. *See* Trial—Plea, *post*.

Police—
Obstructing constable in execution of his duty. *See* Obstructing constable in execution of duty, *ante*.
Right of search. *See* **Police** (Right of search).

Prostitution—
Keeping a brothel. *See* Brothel—Keeping a brothel, *ante*.
Living on earnings of prostitution—
Male prostitution—Prostitute a male at birth but later undergoing sex change operation and working as female prostitute—Accused living on prostitute's earnings—Whether accused living on earnings of prostitution of 'another man'—Sexual Offences Act 1967, s 5. **R v Tan** [1983] 2 12, CA.
Man living on earnings of prostitution—Offence for a 'man' to live on earnings of prostitution—Accused a male at birth—Accused subsequently undergoing sex change operation—Accused living on earnings of prostitution—Whether accused a 'man' living on earnings of prostitution—Sexual Offence Act 1956, s 30. **R v Tan** [1983] 2 12, CA.

Reference by Secretary of State—
Reference of 'the whole case'—
Court of Appeal confining itself to grounds set out in Secretary of State's reference—Whether appellant entitled to raise matters not referred to in Secretary of State's reference—Criminal Appeal Act 1968, s 17(1)(*a*). **R v Chard** [1983] 3 637, HL.

Road traffic offences. *See* **Road traffic.**

Self-induced automatism—
Defence to criminal charge. *See* Automatism—Self-induced automatism, *ante*.

Sentence. *See* **Sentence.**

Sexual offences—
Indecent assault. *See* Indecent assault, *ante*.
Prostitution. *See* Prostitution, *ante*.

Taking vehicle without authority. *See* **Road traffic** (Taking vehicle without authority).

CRIMINAL LAW (cont)
Theft—
Appropriation—
Meaning—Defendants taking articles from shelf in self-service store and attaching price labels taken from lower-priced articles—One defendant arrested after paying lower price for articles at check-out point—Other defendant arrested at check-out but before he had paid lower price—Whether appropriation of articles at any stage before arrest—Theft Act 1968, ss 1(1), 3(1). **R v Morris, Anderton v Burnside** [1983] 3 288, HL.
Compensation order. *See* **Sentence** (Compensation—Order).
Obtaining pecuniary advantage by deception. *See* Obtaining pecuniary advantage by deception, *ante*.
Obtaining property by deception—
Defendant dishonestly switching price labels on goods in store and thereby deceiving cashier into charging too low a price—Whether defendant guitty of both theft and obtaining property by deception—Whether if both offences committed both should be charged—Theft Act 1968, ss 1(1), 15(1). **R v Morris, Anderton v Burnside** [1983] 3 288, HL.
Generally. *See* Obtaining property by deception, *ante*.
Trial—
Committal for trial. *See* Committal, *ante*.
Evidence in absence of jury—
Question of law—Interpretation of EEC Treaty—Question whether prohibition on importation of radiotelephonic apparatus contrary to terms of treaty—Whether question of law to be determined by judge in absence of jury—European Communities Act 1972, s 3(1)—EEC Treaty, art 36. **R v Goldstein** [1983] 1 434, HL.
Majority verdict. *See* **Jury** (Majority verdict).
Plea—
Withdrawal of plea of guilty—Plea in unequivocal terms—Magistrates concluding defendant seeking to change plea in hope of avoiding custodial sentence—Whether magistrates entitled to refuse to allow withdrawal of plea. **R v South Tameside Magistrates' Court, ex p Rowland** [1983] 3 689, QBD.
Unlawful wounding. *See* Wounding, *post*.
Verdict—
Majority verdict. *See* **Jury** (Majority verdict).
Record—
Formal record—Necessity for record of proceedings to show verdict given by jury and any directions given by court concerning counts in respect of which jury discharged from giving verdict. **R v Gibson** [1983] 3 263, CA.
Weights and measures. *See* **Weights and measures**.
Wounding—
Unlawful wounding—
Defence of automatism—Availability of defence where automatism self-induced. *See* Automatism—Self-induced automatism—Availability of defence, *ante*.
Wound—What constitutes a wound—Injury consisting of internal rupture of blood vessels—Whether constituting a wound—Offences against the Person Act 1861, s 20. **JJC (a minor) v Eisenhower** [1983] 3 230, QBD.

CROWN
Attachment of money payable by Crown to judgment debtor. *See* **Execution** (Attachment of money payable by Crown to judgment debtor).

CROWN COURT
Appeal from Crown Court—
Costs—
Court of Appeal, Criminal Division—Award out of central funds. *See* **Criminal law** (Costs—Award out of central funds—Court of Appeal).
Bail—
Applications—
Bail in course of proceedings in magistrates' court—Procedure—Certificate to accompany application—Venue for application—Legal aid—Bail Act 1976, s 5(6A)—Crown Court Rules 1982, rr 19, 20. **Practice Direction** [1983] 2 261, LC.
Bail pending appeal to Court of Appeal—Procedure—Fitness for appeal—Grant of bail by judge—Matters to be considered—Length of time before hearing of appeal—Urgent cases—Criminal Appeal Act 1968, ss 1(2), 11(1A)—Supreme Court Act 1981, s 81(1B). **Practice Note** [1983] 3 608, CA.
Compensation order. *See* **Sentence** (Compensation—Order).
Costs—
Generally. *See* **Criminal law** (Costs).
Evidence. *See* **Criminal evidence**.
Indictment. *See* **Indictment**.

CROWN OFFICE LIST
Practice—
Uncontested proceedings. *See* **Practice** (Uncontested proceedings—Crown Office list).

CUSTODY
Divorce proceedings. *See* **Divorce** (Custody).

CUSTOMS AND EXCISE
Commissioners of Customs and Excise—
Value added tax—
Power to require information relating to supply of goods or services. *See* **Value added tax** (Information—Commissioners' power to require information relating to supply of goods or services).

CUSTOMS AND EXCISE (cont)
Importation of prohibited goods—
Knowingly concerned in fraudulent evasion of prohibition or restriction—
Importation of drugs—Cannabis—Defendant carrying cannabis in mistaken belief that it was currency—Defendant mistakenly believing importation of currency prohibited—Whether defendant 'knowingly' concerned with fraudulent evasion of prohibition on importation of cannabis—Customs and Excise Management Act 1979, s 170(2). **R v Taaffe** [1983] 2 625, CA.
Value added tax. *See* **Value added tax.**

DAMAGE
Compensation order—
Criminal proceedings. *See* **Sentence** (Compensation).
Criminal. *See* **Criminal law** (Damage to property).

DAMAGES
Appeal—
Libel action. *See* **Libel and slander** (Damages—Appeal).
Privy Council. *See* **Privy Council** (Damages—Appeal).
Assessment—
Appeal—
Privy Council. *See* **Privy Council** (Damages—Appeal).
Public policy—
Unwanted pregnancy—Negligence—Doctor negligently performing sterilisation operation—Whether damages recoverable for unwanted pregnancy. **Udale v Bloomsbury Area Health Authority** [1983] 2 522, QBD.
Breach of confidence. *See* **Equity** (Breach of confidence—Damages).
Breach of contract—
Generally. *See* **Contract** (Damages for breach).
Contract—
Breach. *See* **Contract** (Damages for breach).
Conversion—
Generally. *See* **Conversion** (Damages).
Measure of damages—
Hire-purchase—Disposal of goods by hirer—Sale of goods by converter). *See* **Hire-purchase** (Damages—Disposal of goods by hirer—Sale of goods by converter).
Fatal accident. *See* **Fatal accident** (Damages).
Interest—
Generally. *See* **Interest** (Damages).
Jurisdiction—
Visitor—
Corporation. *See* **Corporation** (Visitor—Jurisdiction—Damages).
Measure of damages—
Conversion—
Generally. *See* **Conversion** (Damages—Measure of damages).
Negligence—
Valuer—Valuer negligently recommending property to lender as security for mortgage advance—Lender making advance in reliance on valuation—Subsidence rendering property valueless—Subsidence not discovered until after purchase completed by borrowers—Lender expending more than amount of original advance to repair property to prevent its collapse—Lender electing not to recover costs of repairs from borrowers—Borrowers selling property and repaying advance—Lender suing valuer for negligent valuation—Whether lender acting reasonably in undertaking repairs—Whether damages limited to difference between amount of advance and amount which would have been lent on a proper valuation—Whether all direct loss and expense recoverable as damages—Whether lender acting unreasonably in electing not to recover from borrowers under their personal covenant—Whether value of personal covenant to be deducted from award of damages. **London and South of England Building Society v Stone** [1983] 3 105, CA.
Mitigation of loss—
Benefit accruing to plaintiff—
Defendant valuer negligently recommending property as security for mortgage advance—Lender making advance in reliance on valuation—Subsidence rendering property valueless—Subsidence not discovered until after purchase completed—Lender electing not to seek repayment from borrowers under personal covenant in order to protect commercial reputation—Lender suing valuer for amount of mortgage advance—Whether lender acting unreasonably in not enforcing personal covenant—Whether lender under a duty to mitigate loss by enforcing covenant. **London and South of England Building Society v Stone** [1983] 3 105, CA.
Reasonable steps to mitigate damage—
Standard of reasonableness—Personal injury—Plaintiff rejecting medical recommendation of surgery for injury—Reasonableness of refusal of surgery—Burden of proof—Whether reasonableness to be judged in light of all the circumstances including the medical advice or only in light of the medical advice. **Selvanayagam v University of the West Indies** [1983] 1 824, PC.
Multiplier—
Fatal accident. *See* **Fatal accident** (Damages—Multiplier).
Negligence—
Measure of damages. *See* Measure of damages—Negligence, *ante*.
Personal injury—
Divorce—
Loss of future earnings—Maintenance of family—Loss arising out of divorce caused by plaintiff's injuries—Plaintiff severely injured because of defendant's negligence—Plaintiff's marriage breaking up because of his injuries—Plaintiff's wife claiming maintenance and lump sum provision for herself and children—Whether loss caused to plaintiff arising out of break-up of marriage recoverable—Whether loss included in amount allowed for maintenance already included in award of damages for future loss of earnings. **Jones v Jones** [1983] 1 1037, QBD.
Interest on damages. *See* **Interest** (Damages—Personal injury).

DAMAGES (cont)
Personal injury (cont)—
Loss of future earnings—
Survival of claim for benefit of estate—*See* **Fatal accident** (Damages—Loss of future earnings—Survival of claim for benefit of estate).
Mitigation of loss—
Reasonable steps to mitigate damage—Standard of reasonableness. *See* Mitigation of loss—Reasonable steps to mitigate damage—Standard of reasonableness—Personal injury, *ante*.
Unwanted pregnancy—
Negligence—
Assessment of damages—Public policy—Doctor negligently performing sterilisation operation—Whether damages recoverable for unwanted pregnancy. **Udale v Bloomsbury Area Health Authority** [1983] 2 522, QBD.

DANCING
Licence. *See* **Entertainment** (Music and dancing licence).

DANGEROUS MACHINERY
Fencing—
Building operations. *See* **Building** (Building operations—Fencing of machinery).

DEATH
Damages in respect of death—
Fatal Accidents Acts. *See* **Fatal accident** (Damages).

DEBT
Interest—
Pleading. *See* **Practice** (Interest—Pleading—Claim—Debt or liquidated sum).

DECEPTION
Obtaining property by deception. *See* **Criminal law** (Obtaining property by deception).

DECLARATION
Availability of remedy. *See* **Judicial review** (Availability of remedy).
Judicial review. *See* **Judicial review** (Declaration).

DECREE
Decree absolute—
Divorce. *See* **Divorce** (Decree absolute).

DEDICATION
Highway. *See* **Highway** (Dedication).

DEFAMATION
Generally. *See* **Libel and slander**.

DEMOLITION
Building—
Conservation area. *See* **Town and country planning** (Conservation area—Control of demolition).
Interference with easement of support. *See* **Easement** (Support—Interference—Demolition of adjoining house).

DEPORTATION
Immigrant—
Appeal. *See* **Immigration** (Appeal—Deportation).

DEPOSIT
Sale of ship—
Damages for breach of contract. *See* **Contract** (Damages for breach—Deposit—Sale of ships).

DEVELOPMENT
Land—
Town and country planning. *See* **Town and country planning**.

DIPLOMATIC PRIVILEGE
Generally. *See* **Constitutional law** (Diplomatic privilege).

DIRECTOR
Income tax—
Emoluments from office or employment. *See* **Income tax** (Emoluments from office or employment).

DISCOUNT
Income tax. *See* **Income tax** (Discounts).

DISCOVERY
Dishonesty of solicitor—
Intervention by Law Society in solicitor's practice. *See* **Solicitor** (Dishonesty—Intervention by Law Society in solicitor's practice—Discovery of documents).
Interrogatory—
Interrogatory to company—
Duty of company in answering interrogatory—Whether duty to make inquiries of former officers, servants and agents of company. **Stanfield Properties Ltd v National Westminster Bank plc (London and County Securities Ltd, third party)** [1983] 2 249, QBD.

DISCOVERY (cont)
Privilege—
Production contrary to public interest—
Class of documents—Documents relating to government policy—Communications between government ministers—Documents prepared for use of ministers in formulating government policy—Certificate on behalf of Crown claiming privilege from disclosure on ground of public interest—Production sought by plaintiffs in action seeking declaration that minister abused his powers—Requirements for establishing that disclosure or inspection necessary for due administration of justice—When court can override certificate—Whether disclosure necessary in public interest for due administration of justice—Whether person seeking production must prove that documents likely to assist his case—Whether sufficient to prove that documents likely to affect decision in case. **Air Canada v Secretary of State for Trade (No 2)** [1983] **1** 910, HL.
Production of documents—
Privilege—
Generally. *See* Privilege, *ante*.

DISCRETIONARY TRUST
Generally. *See* **Trust and trustee** (Discretionary trust).

DISCRIMINATION
Men and women—
Generally. *See* **Sex discrimination.**
Racial—
Generally. *See* **Race relations.**
Sex—
Commonwealth immigration—
Special voucher scheme. *See* **Commonwealth immigrant** (Special voucher scheme—Sex discrimination).

DISHONESTY
Solicitor. *See* **Solicitor** (Dishonesty).

DISMISSAL
Action—
Abuse of process of court. *See* **Action** (Dismissal—Abuse of process of court).
Want of prosecution—
Practice. *See* **Practice** (Dismissal of action for want of prosecution).
Unfair dismissal. *See* **Unfair dismissal.**

DISORDERLY HOUSE
See **Criminal law** (Disorderly house).

DISTRESS
Rates. *See* **Rates** (Distress for rates).

DIVISIONAL COURT
Appeal to Court of Appeal—
Jurisdiction of Court of Appeal. *See* **Court of Appeal** (Jurisdiction—Appeal from Divisional Court).

DIVORCE
Children—
Maintenance—
Generally. *See* **Minor** (Maintenance).
Custody—
Access—
Committal of child to care of local authority—Jurisdiction of court to give directions regarding treatment of child while in care—Local authority deciding to refuse father access to child—Father applying to court for direction that he should have access—Whether court's jurisdiction to give directions merely jurisdiction to review local authority's decision—Whether jurisdiction merely an appellate jurisdiction—Whether court having original jurisdiction to give directions for child's benefit—Matrimonial Causes Act 1973, s 43(5). **Re R (a minor) (child in care : access)** [1983] **2** 929, CA.
Decree absolute—
Irregularity—
Application for decree by spouse against whom decree nisi pronounced—Failure to serve on other spouse summons by which application for decree absolute made—Husband remarrying after decree absolute issued—Whether decree void or voidable—Whether irregularity a mere technicality—Whether decree should be avoided if merely voidable—Matrimonial Causes Rules 1977, r 66(2). **Batchelor v Batchelor** [1983] **3** 618, FamD.
Financial provision—
Military pay, pensions etc—
Avoidance of assignment of, or of charge on, military pay, pensions etc—Army resettlement grant—Husband receiving resettlement grant on discharge from army—Registrar ordering Paymaster General to pay grant into court pending outcome of wife's application for ancillary relief—Whether order directing payment 'to another person'—Whether order facilitating a 'charge' on the grant—Whether court precluded from making order—Army Act 1955, s 203(1)(2). **Walker v Walker** [1983] **2** 909, CA.
Intervention—
Queen's Proctor showing cause why decree nisi and absolute should be declared void—
Husband not serving petition on wife—Whether proceedings 'in progress'—Whether Queen's Proctor entitled to intervene—Matrimonial Causes Act 1973, s 8(1). **Ebrahim v Ali (otherwise Ebrahim) (Queen's Proctor intervening)** [1983] **3** 615, FamD.
Matrimonial home—
Property adjustment order. *See* Property—Adjustment order, *post*.

DIVORCE (cont)
Practice—
Undefended causes—
Special procedure—Failure to file answer within time limit—Application to file answer out of time after registrar has certified that petitioner entitled to decree nisi—Whether judge having jurisdiction to hear appeal from registrar's refusal of application—Principles applicable to determination of application to file answer out of time—Matrimonial Causes Rules 1977, r 48(1)(*a*)(2), 122. **Mitchell v Mitchell** [1983] 3 621, CA.
Property—
Adjustment order—
Variation—Settlement order—Matrimonial home—Matrimonial home settled on trustees on trust for sale for husband and wife jointly—Order postponing sale until youngest child attaining 18 or completing full-time education or until wife requesting or consenting to sale—Subsequent to settlement order wife becoming unemployed and husband remarrying—Wife wishing to secure matrimonial home for herself—Wife applying for second property adjustment order transferring home to her absolutely—Wife also applying for leave to appeal against original order six years out of time—Whether court having jurisdiction to entertain second application—Whether wife should be granted leave to appeal against original order—Matrimonial Causes Act 1973, s 24(1)(*a*)(*b*), 31(1). **Carson v Carson** [1983] 1 478, QBD.
Variation—Order for a settlement—Order creating trust for sale of former matrimonial home—Order postponing sale until youngest child of family ceasing to receive full-time education—Husband wishing to buy home for himself out of his share of proceeds of sale of matrimonial home—Husband applying for immediate sale of home—Whether jurisdiction to vary property adjustment order by ordering earlier sale—Whether order creating trust for sale a 'further order for the sale of [the] property' which could be varied—Whether order a final order which could not be varied—Matrimonial Causes Act 1973, ss 24(1)(*b*), 24A(1) (as inserted by s 7 of the Matrimonial Homes and Property Act 1981), 31(2)(*f*) (as inserted by s 8(2) of the 1981 Act). **Norman v Norman** [1983] 1 486, FamD.
Undefended causes—
Practice. *See* Practice—Undefended causes, *ante*.

DOCTOR
Generally. *See* **Medical practitioner**.

DOCUMENT
Admissibility in evidence—
Hansard—
Application for judicial review. *See* **Judicial review** (Evidence in support of claim for relief—Record of proceedings in Parliament).
Record as evidence of facts stated therein—
Record—Articles and letter published in learned journals—Plaintiffs claiming damages against pharmaceutical companies for personal injuries caused by drug—Plaintiffs seeking to adduce as evidence documents consisting of summaries of research into drug and articles and letters published in medical journals—Whether documents admissible as 'records'—Whether documents admissible under court's discretion to order that evidence of any fact shall be given in such manner as may be specified—Whether documents could form part of plaintiffs' evidence by incorporation into evidence of expert witness—Civil Evidence Act 1968, s 4(1)—RSC Ord 38, r 3(1). **H v Schering Chemicals Ltd** [1983] 1 849, QBD.
Court of Appeal and High Court—
Practice. *See* **Practice** (Document).
Discovery of documents. *See* **Discovery**.
Local authority. *See* **Local government** (Documents).

DOCUMENTARY CREDIT
See **Bank** (Documentary credit).

DOMESTIC PROCEEDINGS
Magistrates' court. *See* **Husband and wife**.

DOMESTIC VIOLENCE
Injunction—
Husband and wife. *See* **Injunction** (Husband and wife—Domestic violence).

DRIVER
Negligence—
Duty to take care—
Generally. *See* **Negligence** (Duty to take care—Driver of motor vehicle).
Reckless driving. *See* **Road traffic** (Reckless driving).

DRIVING LICENCE
Endorsement—
Penalty points. *See* **Road traffic** (Penalty points—Disqualification—Endorsement of licence).

DRUGS
Controlled drugs—
Unlawful possession—
Cocaine—Proof that cocaine—Crown adducing expert evidence that substance was cocaine but not adducing evidence as to specific form of cocaine comprised in substance—Whether Crown required to prove specific form of cocaine—Whether the substance 'cocaine' including natural cocaine and other cocaine substances which can result from chemical transformation of natural cocaine—Whether proof that substance was 'cocaine' sufficient to establish offence—Misuse of Drugs Act 1971, s 5(3), Sch 2, Pt 1, para 1. **R v Greensmith** [1983] 3 444, CA.
Importation—
Restriction—
Fraudulent evasion. *See* **Customs and excise** (Importation of prohibited goods—Knowlingly concerned in fraudulent evasion of prohibition or restriction—Importation of drugs).

DURESS
Contract. *See* **Contract** (Duress).

DUTY OF CARE
Negligence. *See* **Negligence** (Duty to take care).

EASEMENT
Support—
Interference—
Demolition of adjoining house—Demolition pursuant to demolition order—Owner of house neglecting to keep it in repair—Local authority ordering demolition of house—Local authority demolishing house after owner failing to comply with order—Demolition resulting in loss of support for neighbour's house—Whether owner owing duty to neighbour to prevent damage occurring—Whether owner liable to neighbour for loss of support occassioned by demolition—Whether fact that demolition carried out by local authority freeing owner from liability to neighbour. **Bradburn v Lindsay** [1983] **2** 408, ChD.

ECCLESIASTICAL LAW
Appeal—
Pastoral scheme—
Scheme providing for union of two benefices and that incumbent of united benefice should reside in the smaller parish—Whether church authorities making error of judgment in selecting the smaller parish—Pastoral Measure 1968, s 8(2). **Hargreaves v Church Comrs** [1983] **3** 17, ChD.
Pastoral scheme—
Appeal. *See* Appeal—Pastoral scheme, *ante*.

ECONOMIC DURESS
Contract. *See* **Contract** (Duress—Economic duress).

EDUCATION
Maintenance. *See* **Minor** (Maintenance—Education or training).
University—
Grant for study—
Local authority grant—Eligibility—Student entitled to grant from local authority for university study if ordinarily resident in United Kingdom for three years—Ordinarily resident—Education Act 1962, s 1—Local Education Authority Awards Regulations 1979, 1979/889), reg 13(*a*). **Shah v Barnet London Borough Council** [1983] **1** 226, HL.
Visitor—
Generally. *See* **University** (Visitor).

ELECTION COURT
See **Elections** (Election court).

ELECTIONS
Election court—
Election court for local election—
Election court making ultra vires direction as to costs—Application for judicial review—Jurisdiction of High Court to grant judicial review—Whether election court an 'inferior court'—Representation of the People Act 1949, ss 110(2), 115(6). **R v Cripps, ex p Muldoon** [1983] **3** 72, QBD.
Local government—
Election court. *See* Election court—Election court for local election, *ante*.
Parliamentary—
Redistribution of seats—
Discretion of Boundary Commission—Judicial review of commission's exercise of powers—Method employed in determining boundaries of recommended constituencies—Commission adopting policy of not crossing local boundaries in recommending new boundaries—Rules for redistribution of seats—Whether paramount objective of redistribution rules the attainment of electoral equality between constituencies—Whether commission entitled to adopt policy of not crossing local boundaries even though policy causing electoral disparity—Whether redistribution rules binding on commission—House of Commons (Redistribution of Seats) Act 1949, s 2(1)(*a*), Sch 2, rr 45, 6—House of Commons (Redistribution of Seats) Act 1958, s 2(2). **R v Boundary Commission for England, ex p Foot** [1983] **1** 1099, CA.

EMOLUMENTS
Income tax. *See* **Income tax** (Emoluments from office or employment).

EMPLOYMENT
Articled clerk. *See* **Solicitor** (Articled clerk—Employment).
Coal mining. *See* **Coal mining**.
Continuity—
Period of continuous employment—
Temporary cessation of work—Teacher employed part-time under eight successive fixed-term contracts covering academic year—No contract of employment during summer vacation—Resumption of employment at beginning of each academic year—Employee's contract not renewed at end of one academic year for next—Whether employee 'absent from work on account of temporary cessation of work'—Whether employee entitled to claim redundancy payment—Employment Protection (Consolidation) Act 1978, Sch 13, para 9(1)(*b*). **Ford v Warwickshire CC** [1983] **1** 753, HL.
Contract of service—
Generally. *See* **Master and servant** (Contract of service).
See **Master and servant** (Contract of service).
Proper law. *See* **Conflict of laws** (Contract—Proper law of contract—Contract of employment).
Dismissal—
Unfair dismissal. *See* **Unfair dismissal**.
Duty of employee. *See* **Master and servant** (Duty of servant).
Emoluments—
Income tax. *See* **Income tax** (Emoluments from office or employment).

EMPLOYMENT (cont)
Employment Appeal Tribunal—
Costs. *See* **Costs** (Employment Appeal Tribunal).
Fraudulent misconduct of employee—
Duty of employee to disclose misconduct. *See* **Master and servant** (Duty of servant—Disclosure of fraudulent misconduct).
Income tax—
Emoluments from employment. *See* **Income tax** (Emoluments from office or employment).
Pay as you earn. *See* **Income tax** (Pay as you earn system).
Money paid under mistake of fact—
Recovery of money paid. *See* **Mistake** (Mistake of fact—Money paid under mistake of fact—Employment).
Trade dispute. *See* **Trade dispute.**
Unfair dismissal. *See* **Unfair dismissal.**

EMPLOYMENT APPEAL TRIBUNAL
Costs. *See* **Costs** (Employment Appeal Tribunal).

ENFORCEMENT NOTICE
Planning control. *See* **Town and country planning** (Enforcement notice).

ENTERTAINMENT
Music and dancing licence—
Renewal of licence—
Application for renewal—Jurisdiction of licensing justices—Restriction of permitted hours on application for renewal—Justices refusing renewal of licence on grounds that refusal necessary for maintenance of public order—Whether justices entitled to consider matters external to premises when premises themselves well-conducted—Public Health Acts Amendment Act 1980, s 51. **Lidster v Owen** [1983] 1 1012, CA.

EPILEPSY
Criminal law—
Defence—
Automatism or insanity. *See* **Criminal law** (Automatism—Insanity distinguished—Epileptic seizure).

EQUITY
Breach of confidence—
Damages—
Use of information obtained in confidence—Artistes developing idea for television series in which they proposed to appear—Artistes disclosing idea orally and in confidence to defendants—Defendants using idea to create television series with other actors—Whether law relating to protection of confidential information extending to protection of an idea communicated orally—Test to be applied to determine whether a breach of confidence. **Fraser v Thames Television** [1983] 2 101, QBD.
Constructive trust. *See* **Trust and trustee** (Constructive trust).
Joint tenancy. *See* **Joint tenancy.**
Unconscionable bargain—
Contract—
Matters to be established to render contract harsh and unconscionable bargain—Contract between insolvent garage company and petrol supplier to raise further finance for company—Contract consisting of lease of garage for 51 years to supplier and lease-back for 21 years to proprietor of company—Transaction amounting to acquisition by supplier of interest in equity of redemption—Whether harsh and unconscionable bargain—Whether supplier taking unfair advantage of company's financial situation—Whether terms of contract unfair—Whether acquisition by mortgage of equity of redemption inherently objectionable. **Alec Lobb (Garages) Ltd v Total Oil GB Ltd** [1983] 1 944, ChD.
Undue influence—
Presumption of undue influence—
Banker and customer—Customer relying on bank's advice—Fiduciary duty of bank—Duty to advise customer to obtain independent legal advice—Wife executing mortgage to bank over her and husband's home—Wife concerned that mortgage not securing business loans made to husband—Bank manager incorrectly advising wife that mortgage limited to securing mortgage advance—Bank manager not advising wife to obtain independent legal advice—Bank suing to recover possession of home for mortgage arrears—Husband dying without business indebtedness to bank—Wife seeking to set aside mortgage—Whether transaction concluded having to be manifestly disadvantageous before court could set aside—Whether transaction should be set aside for undue influence. **National Westminster Bank Ltd v Morgan** [1983] 3 85, CA.

ESTATE AGENT
Remuneration—
Sale of land by court. *See* **Sale of land** (Sale by court).

ESTOPPEL
Issue estoppel—
Judicial review—
Whether doctrine of estoppel can be relied on in applications for judicial review. **R v Secretary of State for the Environment, ex p Hackney London BC** [1983] 3 358, QBD.
Landlord and tenant—
Right of tenant to question landlord's title. *See* **Landlord and tenant** (Title—Right of tenant to question landlord's title—Estoppel).
Promissory estoppel—
Reliance on conduct—
Conduct required to be unequivocal—Previous acceptance by owner of ship of late payments by charterer of hire charges—Whether owner estopped from withdrawing ship for non-payment pursuant to contractual right. **Scandinavian Trading Tanker Co AB v Flota Petrolera Ecuatoriana, The Scaptrade** [1983] 1 301, CA.

ESTOPPEL (cont)
Representation—
Mistake—
Payment of money—Employer overpaying employee by mistake—Employer representing that employee entitled to treat money as his own—Employee spending part of money in reliance on representation—Whether employer estopped from recovering whole of money or only the part spent. **Avon CC v Howlett** [1983] **1** 1073, CA.

EUROPEAN COURT
References to. *See* **European Economic Community** (Reference to European Court).

EUROPEAN ECONOMIC COMMUNITY
Reference to European Court—
Costs—
Employment Appeal Tribunal. *See* **Costs** (Employment Appeal Tribunal—Reference to Court of Justice of the European Communities).
Request for preliminary ruling concerning interpretation of Community law—
Power of national court to refer question deemed necessary to enable court to give judgment—Discretion of national court to refer question—Community regulation concerning quantative limits in respect of textile goods imported from third countries—Implementation of regulation by member states—Importation of textile goods from third country into United Kingdom—Goods not complying with conditions of import licence—Goods forfeited by customs authorities—Whether action of customs authorities contrary to Community legislation—Whether reference to European Court appropriate—Guidelines for court considering reference—EEC Treaty, art 177—EC Council Regulation 3059/78. **Customs and Excise Comrs v ApS Samex (Hanil Synthetic Fiber Industrial Co Ltd, third party)** [1983] **1** 1042, QBD.
Restrictive trade practices—
Investigation of undertakings—
Requirement that undertaking produce documents in connection with investigation—Documents containing communications between lawyer and client—Legal privilege claimed in respect of documents—Existence in Community law of principle of legal protection for written communications between lawyer and client applicable to documents required to be produced in course of investigation into infringements of Community rules on competition—Application of principle of protection of confidentiality in Community law—Procedures applicable in applying principle—EEC Treaty, arts 185, 186—EEC Council Regulation, 17, art 14(3). **AM & S Europe Ltd v Commission of the European Economic Communities** [1983] **1** 705, CJEC.
Rules on competition. *See* Rules on competition, *post*.
Rules on competition—
Abuse of dominant position—
Remedy—Statutory undertaking sole supplier in England and Wales of bulk butter—Undertaking selling butter to 20 distributors in England and Wales including plaintiff for resale to EEC countries—Undertaking subsequently deciding to limit sale to only four distributors excluding plaintiff—Decision taken in good faith to protect undertaking's commercial interests—Whether 'abuse ... of a dominant position within ... a substantial part' of Common Market—Whether remedy of injunction available to plaintiffs—Whether remedy of damages available—EEC Treaty, art 86. **Garden Cottage Foods Ltd v Milk Marketing Board** [1983] **2** 770, HL.
Treaty provisions—
Construction—
Criminal proceedings—Whether question of law to be determined by judge in absence of jury. *See* **Criminal law** (Trial—Evidence in absence of jury—Question of law—Interpretation of EEC Treaty).

EVIDENCE
Appeal—
Immigration appeal. *See* **Immigration** (Appeal—Evidence).
Costs—
Motion for interlocutory relief—
Documents obtained after hearing of motion—Whether admissible in evidence on question of costs. *See* **Costs** (Interlocutory application—Evidence—Admissibility).
Criminal proceedings. *See* **Criminal evidence**.
Document—
Admissibility. *See* **Document** (Admissibility in evidence).
Expert—
Criminal proceedings. *See* **Criminal evidence** (Expert evidence).
Disclosure to other parties. *See* **Practice** (Evidence—Expert evidence—Disclosure to other parties).
Expert witness—
Reference to publications of other experts—
Probative value of documents referred to. **H v Schering Chemicals Ltd** [1983] **1** 849, QBD.
Extradition—
Committal. *See* **Extradition** (Committal—Evidence).
Handwriting—
Criminal proceedings. *See* **Criminal evidence** (Handwriting).
Hansard—
Admissibility—
Application for judicial review. *See* **Judicial review** (Evidence in support of claim for relief—Record of proceedings in Parliament).
Hearsay—
Criminal proceedings. *See* **Criminal evidence** (Hearsay).
Immigration appeal. *See* **Immigration** (Appeal—Evidence).
Judicial notice—
Offensive weapons. *See* **Criminal evidence** (Judicial notice—Offensive weapons).

EXCISE
Customs and excise. *See* **Customs and excise**.

EXECUTION

Attachment of money payable by Crown to judgment debtor—

Jurisdiction—

National Savings Bank investment deposit account—Attachment of money in judgment debtor's account—Account held at bank's head office in Scotland—Bank having branches in England where money could be repaid—Whether court having jurisdiction to attach money in investment deposit account—Crown Proceedings Act 1947, s 27(1) (as amended by s 139(1) of the Supreme Court Act 1981)—RSC Ord 49, r 1. **Brooks Associates Inc v Basu (Dept for National Savings, garnishee)** [1983] 1 508, QBD.

Charging order—

Discretion—

Discretion to make charging order nisi absolute—Sufficient cause to refuse to make order absolute—Resolution to wind up debtor company on ground of insolvency—Tentative scheme of arrangements agreed to by creditors representing only 55 of total debts—Inevitable that debtor company would go into liquidation—Creditor obtaining order nisi—Whether sufficient cause to refuse to make absolute order nisi—Whether debtor's insolvency and inevitability of liquidation sufficient cause for refusing to make order absolute—Whether necessary to prove scheme of arrangement agreed to by main body of creditors was likely to succeed. **Roberts Petroleum Ltd v Bernard Kenny Ltd (in liq)** [1983] 1 564, HL.

Land—

Production of register of title. *See* **Land registration** (Production of register of title).

Instrument—

Execution by person nominated by High Court—

Jurisdiction—Contract—Contract for sale of vessel—Notice of readiness—Buyer refusing to countersign notice of readiness—Letter of credit in payment of purchase price—Bank refusing to release money secured by letter of credit because notice of readiness not countersigned as required by terms of letter of credit—Seller commencing proceedings for specific performance—Judge ordering buyer to sign notice of readiness by certain date failing which notice to be signed by master—Jurisdiction of court to make order—Whether notice of readiness executed by master binding on parties other than buyer and seller—Whether bank obliged to accept notice of readiness countersigned by master—Supreme Court of Judicature (Consolidation) Act 1925, s 47. **Astro Exito Navegacion SA v Southland Enterprise Co Ltd (Chase Manhattan Bank NA intervening), The Messiniaki Tolmi** [1983] 2 725, HL.

Sheriff—

Protection—

Protection from action by third party in respect of wrongful execution against his goods—When court should exercise discretion to make protective order barring action by third party—Necessary for third party to show he has an arguable case that he has a substantial grievance against sheriff—Action for conversion—Whether sale by sheriff at auction of third party's goods at an undervalue amounting to substantial grievance against sheriff—Whether terms of writ of fieri facias protecting sheriff in regard to seizure of all or any goods at premises whether or not belonging to judgment debtor—RSC Ord 17, r 8. **Neumann v Bakeaway Ltd (Ghotli, claimant)** [1983] 2 935, CA.

Protection from action by third party in respect of wrongful execution against his goods—When action by third party against sheriff should be allowed to proceed—Action for conversion—Whether fairly arguable that third party's claim overrides sheriff's defences under statute or at common law—Whether sheriff had 'notice' or might 'by making reasonable inquiry' have ascertained that goods seized were not property of execution debtor—Whether sheriff protected at common law from action by third party if third party has a substantial grievance against sheriff—Whether third party having substantial grievance where his goods are sold by sheriff at substantial undervalue—Whether the fact sale is by auction a good defence to claim that sale at undervalue—Bankruptcy and Deeds of Arrangement Act 1913, s 15—RSC Ord 17, r 2(4). **Observer Ltd v Gordon (Cranfield and ors, claimants)** [1983] 2 945, QBD.

Writ of fi fa—

Scope—

Protection of sheriff. *See* Sheriff—Protection, *ante*.

Wrongful and irregular execution—

Protection of sheriff. *See* Sheriff—Protection, *ante*.

EXECUTOR AND ADMINISTRATOR

Fatal accident—

Action by executor or administrator of deceased—

Generally. *See* **Fatal accident** (Action—Executor or administrator of deceased).

EXHIBIT

Court of Appeal and High Court—

Practice. *See* **Practice** (Exhibits).

Criminal proceedings. *See* **Criminal evidence** (Exhibits).

EXPERT

Evidence—

Criminal proceedings—

Generally. *See* **Criminal evidence** (Expert evidence).

Hearsay. *See* **Criminal evidence** (Hearsay—Expert witness).

Disclosure of evidence to other parties. *See* **Practice** (Evidence—Expert evidence—Disclosure to other parties).

EXTRADITION

Committal—

Evidence—

Evidence sufficient to justify committal—Evidence relied on not given under oath or affirmation in requesting state—Affirmation—Witness acknowledging that he was aware of need to tell truth when making statement—No penal sanction for perjury if witness made false statement—Whether an 'affirmation' has to be supported by the sanction of a penalty for perjury—Whether witness's statement amounting to affirmation and therefore admissible—Extradition Act 1870, s 14—Extradition Act 1873, s 4. **Dowse v Government of Sweden** [1983] 2 123, HL.

FAIR RENT
Generally. *See* **Rent restriction.**

FAIR TRADING
Monopolies and mergers. *See* **Monopolies and mergers.**

FAMILY DIVISION
Child—
Welfare report—
Practice. *See* **Child** (Welfare—Welfare report).
Matrimonial home—
Practice—
Generally. *See* **Husband and wife** (Matrimonial home).
Sale of land by court—
Practice. *See* **Sale of land** (Sale by court).

FARES
London Transport—
Reduction of fares by London Transport Executive. *See* **London Transport Executive** (Fares—Reduction).

FATAL ACCIDENT
Action—
Trinidad and Tobago. *See* **Trinidad and Tobago** (Fatal accident).
Damages—
Loss of future earnings—
Survival of claim for benefit of estate—Deceased a single man of 26 without dependants—Deceased having close friendship with girl before death—Whether prospect of marriage to be taken into account in assessing surplus—Law Reform (Miscellaneous Provisions) Act 1934, s 1. **Adsett v West** [1983] 2 985, QBD.
Survival of claim for benefit of estate—Measure of damages—Principles of assessment—Deductions to be made from estimated net future earnings in arriving at earnings on which award to be based—Living expenses—Method of calculating—Not the same as method of calculation under Fatal Accidents Act—Only that proportion of deceased's net earnings that he would have spent exclusively on himself deductible—Proportion of net earnings which would have been expended on household expenses for joint benefit of deceased's family to be treated as exclusively attributable to deceased's living expenses and deductible from estimated net future earnings—Proportion to be deducted dependent on number of dependants—Amount of living expenses to be deducted if deceased a young unmarried man—Law Reform (Miscellaneous Provisions) Act 1934, s 1(1). **Harris v Empress Motors Ltd, Cole v Crown Poultry Packers Ltd** [1983] 3 561, CA.
Loss of investment income—
Survival of claim for benefit of estate—Deceased a single man of 26 without dependants—Deceased having income from investment income—Whether loss of investment income to be assessed on same basis as loss of future earnings—Approach to be taken where capital still producing income after death of deceased—Whether award of damages to be balanced against gain from investment income on year by year basis or whether to be balanced at date of award—Law Reform (Miscellaneous Provisions) Act 1934, s 1. **Adsett v West** [1983] 2 976, CA.
Loss of prospect of inheritance—
Survival of claim for benefit of estate—Deceased a single man of 26 without dependants—Deceased likely to inherit capital on death of father—Whether loss of inheritance to be taken into account when assessing surplus—Law Reform (Miscellaneous Provisions) Act 1934, s 1. **Adsett v West** [1983] 2 976, CA.
Multiplier—
Date at which multiplier to be determined—Four years elapsing from date of death until trial of action—Whether multiplier to be determined at date of death or at date of trial. **Graham v Dodds** [1983] 2 953, HL.

FENCING
Dangerous machinery—
Building operations. *See* **Building** (Building operations—Fencing of machinery).

FINANCIAL PROVISION
Divorce. *See* **Divorce** (Financial provision).
Husband and wife—
Generally. *See* **Husband and wife** (Financial provision).
Summary proceedings. *See* **Husband and wife** (Summary proceedings—Financial provision).

FIRE
Arson. *See* **Criminal law** (Damage to property—Arson).
Fireman—
Occupier's duty of care to fireman. *See* **Occupier's liability** (Fire—Fireman—Duty of care owed to fireman).

FLICK KNIFE
Offensive weapon. *See* **Criminal law** (Offensive weapons—Article made or adapted for use for causing injury—Flick knife).

FOREIGN AWARD
Arbitration—
Enforcement. *See* **Arbitration** (Award—Enforcement—Foreign award).

FOREIGN EMPLOYER
Income tax—
Pay as you earn—
Failure to deduct tax. *See* **Income tax** (Pay as you earn system—Deduction of tax by employer—Failure to deduct tax—Foreign employer).

FOREIGN JUDGMENT
Action in rem—
Enforcement—
Arrest of ship. *See* **Admiralty** (Jurisdiction—Action in rem—Arrest of ship—Enforcement of foreign judgment).
Enforcement or recognition. *See* **Conflict of law** (Foreign judgment).

FOREIGN LAW
Conflict of laws. *See* **Conflict of laws.**

FOREIGN PROCEEDINGS
Restraint of foreign proceedings. *See* **Conflict of laws** (Foreign proceedings—Restraint of foreign proceedings).

FOREIGN STATE
Immunity from suit. *See* **Constitutional law** (Foreign sovereign state—Immunity from suit).

FOREIGNER
Immigration. *See* **Immigration.**

FRAUD
Conspiracy—
Crime. *See* **Criminal law** (Conspiracy—Fraud).
Employment—
Fraudulent misconduct of employee—
Duty of employee to disclose misconduct. *See* **Master and servant** (Duty of servant—Disclosure of fraudulent misconduct).

FREEHOLD
Acquisition by long leaseholder. *See* **Landlord and tenant** (Leasehold enfranchisement).

FRUSTRATION
Contract—
Generally. *See* **Contract** (Frustration).

FUGITIVE OFFENDER
Extradition. *See* **Extradition.**

FUNDS IN COURT
Practice. *See* **Practice** (Funds in court).

GAMING
Gaming licence—
Fit and proper persons to hold a licence—
Cancellation of licence by licensing justices—Unlawful granting of credit—Proprietors of gaming club accepting cheques from customers whose previous cheques had been dishonoured—Cheques not presented—Smaller amount later accepted in settlement of debt—Whether acceptance of cheques constituting a 'sham'—Whether acceptance of smaller amount in settlement of debt a 'release of a debt in respect of losses incurred in gaming'—Whether debt incurred in respect of gaming losses when cheque accepted—Whether proprietors fit and proper persons to hold a licence—Gaming Act 1968, s 16(1). **R v Crown Court at Knightsbridge, ex p Marcrest Ltd** [1983] **1** 1148, CA

GENERAL AVERAGE
See **Shipping** (General average).

GIFT
Charitable. *See* **Charity.**
Mental patient, by. *See* **Mental health** (Patient's property—Gift).

GOVERNMENT DEPARTMENT
Notice or other matter issued by department—
Qualified privilege—
Libel proceedings. *See* **Libel and slander** (Qualified privilege—Notice or other matter issued by government department).

GRANT
Student—
University study. *See* **Education** (University—Grant for study).

GREATER LONDON COUNCIL
Statutory powers—
Excessive exercise of statutory powers. *See* **Public authority** (Statutory powers—Excessive exercise of statutory powers—Greater London Council).

GUARANTEE
Construction—
Guarantee by housebuilding company's directors to National House-Building Council—
Directors guaranteeing that company would comply with council's rules—Directors guaranteeing that if company failed to do so they would indemnify council 'against all losses incurred by the council by reason thereof'—Guarantee of three years' duration—Company building house within three year period which did not comply with council's rules—Purchaser of house claiming cost of remedying defects—After expiry of three year guarantee period purchaser awarded costs of remedying defects—Council honouring award and claiming indemnity from directors—Whether 'loss incurred by council' within period of guarantees—Whether directors liable to indemnify council. **National House-Building Council v Fraser** [1983] **1** 1090, QBD.

GUARDIAN
Guardian's allowance for child. *See* **Social security** (Guardian's allowance).

GUARDIANSHIP
Minor—
Practice—
Welfare report. *See* **Child** (Welfare—Welfare report).

HANDLING STOLEN GOODS
See **Criminal law** (Handling stolen goods).

HANDWRITING
Evidence—
Criminal proceedings. *See* **Criminal evidence** (Handwriting).

HEALTH SERVICE
National Health Service. *See* **National Health Service.**

HEARSAY
Evidence—
Criminal proceedings. *See* **Criminal evidence** (Hearsay).

HEAVY MOTOR CAR
See **Road traffic** (Heavy motor car).

HIGH COURT
Arbitration—
Appeal against award—
Appeal to Court of Appeal against grant or refusal of leave to appeal to High Court. *See* **Arbitration** (Award—Leave to appeal to Court of Appeal against grant or refusal of leave to appeal to High Court).
Practice—
Generally. *See* **Practice.**

HIGHWAY
Dedication—
Presumption—
Public use for prescribed period—Existing private right not asserted in derogation of highway during prescribed period—Manorial market right—Land originally dedicated subject to market right—Whether user for prescribed period without assertion of market right effecting rededication free from market right and extinguishing right—Highways Act 1980, s 31(1). **Gloucestershire CC v Farrow** [1983] **2** 1031, ChD.

HIRE
Ship—
Time charter—
Lien for non-payment of hire. *See* **Shipping** (Time charterparty—Hire—Lien for non-payment of hire).
Withdrawal of vessel for non-payment of hire. *See* **Shipping** (Time charterparty—Withdrawal of vessel for non-payment of hire).

HIRE-PURCHASE
Damages—
Disposal of goods by hirer—
Sale of goods by convertor—Measure of damages in conversion—Amount outstanding on hire-purchase agreement exceeding value of goods—Whether amount outstanding on agreement or value of goods recoverable. **Chubb Cash Ltd v John Crilley & Son** [1983] **2** 294, CA.

HISTORIC ARTICLES
New Zealand—
Removal of articles from New Zealand—
Forfeiture to Crown—Interpretation of statute. *See* **New Zealand** (Statute—Interpretation—Statute providing that historic articles unlawfully removed 'shall be forfeited' to Her Majesty).

HOMELESS PERSON
Housing. *See* **Housing** (Homeless person).

HONG KONG
Natural justice—
Hearing—
Duty to hear parties—Illegal immigrant—Government announcement that each illegal immigrant's case would be dealt with on its own merits—Order made for removal of applicant as an illegal immigrant without giving him a hearing—Whether announcement creating legitimate or reasonable expectation of a hearing—Whether applicant entitled to hearing before removal. **Attorney General of Hong Kong v Ng Yuen Shiu** [1983] **2** 346, PC.

HOSPITAL
Doctor—
Generally. *See* **Medical Practitioner.**

HOSPITAL ORDER
Criminal proceedings. *See* **Sentence** (Hospital order).

HOUSE OF LORDS
Appeal from Court of Appeal, Civil Division—
Jurisdiction—
Judicial review—Court of Appeal refusing leave to apply for judicial review—House of Lords having no jurisdiction to entertain petition against refusal—RSC Ord 53. **Re Poh** [1983] **1** 287, HL.
Leave to appeal—
Petition for leave to appeal—
Application for judicial review—Jurisdiction. *See* Appeal from Court of Appeal, Civil Division—Jurisdiction—Judicial review, *ante*.

HOUSE OF LORDS (cont)
Leave to appeal (cont)—
Petition for leave to appeal (cont)—
Competency—Court of Appeal or Divisional Court refusing ex parte application for leave to apply for judicial review—Petition for leave to appeal to House of Lords against refusal incompetent—RSC Ord 53. **Procedure Direction** [1983] **1** 524, HL.

HOUSING
Compulsory purchase—
Compensation—
Compensation for disturbance—Displacement from land 'in consequence of' compulsory acquisition—In consequence of—Claimants' house subject to compulsory purchase order—Claimants vacating house shortly before notice to treat served by local authority—Whether claimants displaced 'in consequence of' compulsory acquisition—Whether claimants entitled to compensation for disturbance—Land Compensation Act 1973, s 37(1)(*a*). **Prasad v Wolverhampton BC** [1983] **2** 140, CA.
Homeless person—
Duty of housing authority to provide accommodation—
Person having no local connection with area of housing authority—Applicant not 'normally resident' in authority's area—Normally resident—Authority applying arbitrary or rigid residential qualification of residence for six out of previous 12 months—Whether authority entitled to impose arbitrary residential qualification—Housing (Homeless Persons) Act 1977, ss 5(1)(*a*), 18(1)(*a*). **Eastleigh Borough Council v Betts** [1983] **2** 1111, HL.
Responsibility between housing authorities—Notifying authority wrongly deciding that applicant had local connection with notified authority—Whether notifying authority remaining under primary duty to house applicant—Whether dispute arising between authorities—Whether court precluded from reviewing notifying authority's decision—Housing (Homeless Persons) Act 1977, s 5(1)(*a*), (7). **R v Eastleigh BC, ex p Betts** [1983] **2** 481, CA.

HUSBAND AND WIFE
Capital gains tax—
Disposal of assets. *See* **Capital gains tax** (Disposal of assets—Husband and wife).
Child—
Maintenance—
Generally. *See* **Minor** (Maintenance).
Divorce. *See* **Divorce**.
Domestic violence—
Injunction. *See* **Injunction** (Husband and wife—Domestic violence).
Financial provision—
Divorce. *See* **Divorce** (Financial provision).
Summary proceedings. *See* Summary proceedings—Financial provision, *post*.
Injunction—
Exclusion of party from matrimonial home. *See* **Injunction** (Exclusion of party from matrimonial home).
Generally. *See* **Injunction** (Husband and wife).
Joint bank account—
Generally. *See* **Bank** (Account—Joint account).
Maintenance—
Arrears—
Remission—Notice of intention to remit arrears—Magistrates failing to notify wife of husband's application for remission of arrears—Magistrates remitting arrears—No provision for appeal against remission of arrears—Whether wife entitled to judicial review of magistrates' decision—Guardianship of Infants Act 1971, s 13(3)—Magistrates' Courts Act 1980, s 95—Magistrates' Courts Rules 1981, r 44. **R v Dover Magistrates' Court, ex p Kidner** [1983] **1** 475, QBD.
Matrimonial home—
Divorce—
Property adjustment order. *See* **Divorce** (Property—Adjustment order).
Injunction—
Exclusion of spouse from matrimonial home. *See* **Injunction** (Exclusion of party from matrimonial home).
Rights of occupation—
Practice—Declaration of rights of occupation—Injunction prohibiting exercise of rights of occupation—Heading of summons—Transfer to High Court of pending divorce proceedings in county court—Procedure—Matrimonial Causes Act 1967, s 4—Domestic Violence and Matrimonial Proceedings Act 1976, s 1—Matrimonial Homes Act 1983, ss 1, 9—RSC Ord 90, r 17—Matrimonial Causes Rules 1977, rr 104, 107. **Practice Direction** [1983] **2** 1088, FamD.
Property—
Matrimonial home—
Generally. *See* Matrimonial home, *ante*.
Summary proceedings—
Financial provision—
Application for financial provision order—Grounds of application—Respondent's behaviour such that applicant cannot reasonably be expected to live with respondent—Test to be applied in determining whether applicant entitled to order—Domestic Proceedings and Magistrates' Courts Act 1978, ss 1(*c*), 2. **Bergin v Bergin** [1983] **1** 905, FamD.
Conduct of parties—Duty of magistrates' court to have regard to conduct—Circumstances in which regard should be had to conduct—Conduct obvious and gross—Wife deserting husband—Husband not committing any misconduct—Whether wife's conduct obvious and gross—Whether wife's conduct justifying reduction in financial provision—Domestic Proceedings and Magistrates' Courts Act 1978, ss 2, 3(1)(*g*). **Robinson v Robinson** [1983] **1** 391, CA.
Maintenance. *See* Maintenance, *ante*.

IMMIGRATION
Appeal—
Commonwealth citizen. *See* **Commonwealth immigrant** (Appeal).

Appeal (cont)—

Conditions on which leave to enter granted—

Appeal after entry against conditions imposed on entry—Procedure—Rules regulating appeal—Applicant wishing to appeal after entry against conditions imposed on entry—Whether applicant required to leave United Kingdom and apply for fresh entry—Immigration Act 1971, ss 13, 14—Statement of Immigration Rules for Control on Entry : Commonwealth Citizens (1972-73), para 70. **R v Immigration Appeal Tribunal, ex p Coomasaru** [1983] 1 208, CA.

Deportation—

Appeal to tribunal from adjudicator—When leave must be granted—Direction that person is to be removed to country where he fears persecution—Is to be removed—Iraqi citizen required to leave United Kingdom—Applicant fearing persecution if he returned to Iraq—Whether applicant to be treated as a person 'to be removed' to Iraq—Whether applicant having right of appeal from adjudicator to tribunal—Immigration Act 1971, s 14(1)—Immigration Appeals (Procedure) Rules 1972, r 14(2)(*b*). **R v Immigration Appeal Tribunal, ex p Enwia, R v Immigration Appeal Tribunal, ex p AS** [1983] 2 1045, CA.

Evidence—

Evidence of facts coming into existence after entry clearance officer's decision—Whether adjudicator or appeal tribunal can admit evidence of facts occurring after entry officer's decision—Immigration Act 1971, s 19(2)—Immigration Appeals (Procedure) Rules 1972, rr 18(1), 29(1). **R v Immigration Appeal Tribunal, ex p Kotecha** [1983] 2 289, CA.

Evidence of facts coming into existence after Secretary of State's decision—Whether adjudicator or appeal tribunal can admit evidence of facts occurring after Secretary of State's decision—Immigration Act 1971, s 14. **R v Immigration Appeal Tribunal, ex p Bastiampillai** [1983] 2 844, QBD.

Explanatory statement by Home Office of facts relating to Secretary of State's decision or action—Evidence of facts coming into existence after Secretary of State's decision—Whether Home Office statement a pleading or evidence in appeal—Whether adjudicator can admit evidence of facts occurring after Secretary of State's decision—Immigration Act 1971, s 19(1)—Immigration Appeals (Procedure) Rules 1972, r 8(1). **R v Immigration Appeal Tribunal, ex p Weerasuriya** [1983] 1 195, QBD.

Reasons for decision—

Immigration Appeal Tribunal—Appeal against deportation order made on ground that applicant had entered into marriage of convenience—Tribunal dismissing appeal—Reasons for decision not making it apparent, directly or by inference, that tribunal had considered all the elements constituting marriage of convenience—Whether failure to give adequate reasons an error of law. **R v Immigration Appeal Tribunal, ex p Khan (Mahmud)** [1983] 2 420, CA.

Commonwealth citizen. *See* **Commonwealth immigrant**.

Deportation—

Appeal. *See* Appeal—Deportation, *ante*.

Immigration authority—

Hong Kong—

Natural justice—Duty to hear parties. *See* **Natural justice** (Hearing—Duty to hear parties, etc—Hong Kong Immigration Authority).

Leave for indefinite stay—

Dependent parents—

Other relatives in their own country to turn to—Applicants' children all settled in United Kingdom—Applicants living with daughter rent and board free—Applicants applying for conditions of stay to be removed on ground that they were dependent on children settled in United Kingdom and had no 'other close relatives in their own country to turn to'—Other close relatives in their own country to turn to—Statement of Changes in Immigration Rules (HC Paper (1979-80) no 394), para 48. **R v Immigration Appeal Tribunal, ex p Bastiampillai** [1983] 2 844, QBD.

Wholly or mainly dependent—Applicants' children all settled in United Kingdom—Applicants living with daughter rent and board free—Whether applicants 'wholly or mainly dependent' on child settled in United Kingdom—Whether dependence limited to financial dependence—Whether emotional dependence to be taken into account in determining dependence—Statement of Changes in Immigration Rules (HC Paper (1979-80) no 394), para 48. **R v Immigration Appeal Tribunal, ex p Bastiampillai** [1983] 2 844, QBD.

Leave to enter—

Indefinite leave—

Person who is settled in United Kingdom—Person ordinarily resident without restriction on period for which he can remain—Restriction—Immigrant's passport containing entry 'employed with Sri Lanka High Commission'—Passport stamped with unrestricted entry stamp—Whether immigrant having unrestricted right of entry—Whether period of entry restricted to period of employment with high commission—Whether immigrant given right of entry as a diplomat—Immigration Act 1971, ss 2(3)(*d*), 8(5). **R v Immigration Appeal Tribunal, ex p Coomasaru** [1983] 1 208, CA.

Non-patrial—

Right of entry—Duty to disclose facts—Applicant failed to disclose all material facts to immigration officer—Whether failure to disclose coupled with conduct amounting to fraud or deception—Whether applicant obtaining leave to enter by fraud or deception an illegal entrant—Whether court entitled to examine evidence relied on by immigration officer—Whether court limited to enquiring whether immigration officer had reasonable grounds to conclude that applicant was illegal entrant. **Khawaja v Secretary of State for the Home Department** [1983] 1 765, HL.

Right of entry—Change of circumstances removing basis on which entry certificate granted—Applicant eligible for entry as unmarried dependant at time application made—Applicant married after application made but before entry certificate granted—Whether applicant under obligation when entering to disclose change of circumstances—Whether non-disclosure amounting to fraud or deception—Whether applicant obtaining leave to enter by fraud or deception an illegal entrant—Whether court entitled to examine evidence relied on by immigration officer—Whether court limited to enquiring whether immigration officer had reasonable grounds to conclude that applicant was illegal entrant. **Khawaja v Secretary of State for the Home Department** [1983] 1 765, HL.

Procedure—

Appeal. *See* Appeal, *ante*.

IMPLIED TERM

Contract—

Generally. *See* **Contract** (Implied term).

Sale of goods—

Merchantable quality. *See* **Sale of goods** (Implied condition as to merchantable quality).

IMPRISONMENT

Non-payment of rates—

Imprisonment in default of distress. *See* **Rates** (Distress for rates—Imprisonment in default of distress).

INCITEMENT

Generally. *See* **Criminal law** (Incitement).

INCOME TAX

Appeal—

Decision of commissioners—

Finality—Commissioners' clerk advising commissioners that they had no power to reopen determination—Taxpayer alleging that clerk gave advice maliciously—Relevance of maliciousness if advice correct—Taxes Management Act 1970, s 46(2). **R v Epping and Harlow General Comrs, ex p Goldstraw** [1983] 3 257, QBD & CA.

Capital allowances—

Machinery or plant—

Expenditure on provision of machinery or plant—Expenditure met directly or indirectly by person other than taxpayer—Met—Provision of finance by financier—Whether expenditure 'met' directly or indirectly by financier—Capital Allowances Act 1968, s 84(1). **Stoke (Inspector of Taxes) v Costain Property Investments Ltd** [1983] 2 681, ChD.

Ownership of machinery or plant—Machinery or plant belonging to taxpayer in consequence of expenditure—Belong—Machinery—or plant installed by tenant becoming landlord's fixtures—Whether machinery or plant belonging to tenant—Finance Act 1971, s 41(1). **Stokes (Inspector of Taxes) v Costain Property Investments Ltd** [1983] 2 681, ChD.

Computation of profits—

Discounting bills of exchange—

Generally. *See* Discounts—Bill of exchange or promissory note, *ante*.

Deduction in computing profits—

Expenditure wholly and exclusively laid out or expended for purposes of trade—

Purpose of expenditure—Barrister's clothing—Woman barrister's court clothes—Whether expenditure incurred in replacing, cleaning and laundering clothes deductible—Income and Corporation Taxes Act 1970, s 130(*a*). **Mallalieu v Drummond (Inspector of Taxes)** [1983] 2 1095, HL.

Discounts—

Bill of exchange or promissory note—

Interest-free promissory note purchased by taxpayer for less than face value—Promissory note originally issued as consideration for purchase of shares—Whether profit realised on maturity a 'discount'—Income and Corporation Taxes Act 1970, ss 108, Sch D, para 1(*a*), 109(2) Case III, para (*b*). **Ditchfield (Inspector of Taxes) v Sharp** [1983] 3 681, CA.

Emoluments from office or employment—

Benefits derived by directors and higher paid employees from employment—

Scholarship awarded to employee's child by employer—Whether award provided at cost of parent's employers—Whether award emolument of parent's employment—Whether award 'income arising from a scholarship'—Income and Corporation Taxes Act 1970, s 375(1)—Finance Act 1976, ss 61(1),(3), 72(3). **Wicks v Firth (Inspector of Taxes), Johnson v Firth (Inspector of Taxes)** [1983] 1 151, HL.

Receipt 'from' employment—

Purpose of employer in making payment—Inducement to give up professional status and to become and continue as employee—Company making lump sum payment to chartered accountant on taking up employment with company—Whether payment emolument from employment—Income and Corporation Taxes Act 1970, ss 181(1), 183(1). **Glantre Engineering Ltd v Goodhand (Inspector of Taxes)** [1983] 1 542, ChD.

Pay as you earn system—

Deduction of tax by employer—

Failure to deduct tax—Foreign employer—Employees employed in United Kingdom sector of North Sea—Employees paid in US dollars by cheques sent from abroad—Employees liable to Sch E tax—Employer having branch or agency in United Kingdom and liable to corporation tax—Whether employer to be required to deduct PAYE tax from employees working in United Kingdom sector of North Sea—Whether legislation requiring collection of PAYE tax having extra-territorial effect—Whether employer having sufficient 'tax presence' in United Kingdom to require it to collect PAYE tax—Income and Corporation Taxes Act 1970, s 204—Finance Act 1973, s 38(4)(6). **Clark (Inspector of Taxes) v Oceanic Contractors Inc** [1983] 1 133, HL.

Profits—

Deductions in computing profits. *See* Deduction in computing profits, *ante*.

Relief—

School fees—

Maintenance order including element in respect of fees. *See* **Minor** (Maintenance—Education or training—Maintenance order including element in respect of school fees).

INCRIMINATION

Inspection of property—

Property subject-matter of action or in respect of which question arising—

Privilege against self-incrimination. *See* **Practice** (Inspection of property—Property subject-matter of action or in respect of which question arising—Privilege against self-incrimination).

INDECENT ASSAULT

See **Criminal law** (Indecent assault).

INDEMNITY
Construction of indemnity clause—
Whether a penalty clause. *See* **Contract** (Penalty—Indemnity clause).

INDICTMENT
Conviction of lesser offence—
Inflicting grievous bodily harm—
Charge of burglary by entering a building as a trespasser and inflicting grievous bodily harm—Whether open to jury to convict of lesser offence of assault occasioning actual bodily harm—Criminal Law Act 1967, s 6(3). **R v Wilson (Clarence), R v Jenkins (Edward John)** [1983] 3 448, HL.

Particulars of way grievous bodily harm caused not specified—Whether open to jury to convict of lesser offence of assault occasioning actual bodily harm—Criminal Law Act 1967, s 6(3). **R v Wilson (Clarence), R v Jenkins (Edward John)** [1983] 3 448, HL.

INDUCEMENT
Breach of contract—
Tort. *See* **Tort** (Inducement to commit breach of contract).

INDUSTRIAL ACTION
Dismissal in connection with industrial action—
Unfair dismissal. *See* **Unfair dismissal** (Dismissal in connection with strike or other industrial action).

INDUSTRIAL RELATIONS
Trade dispute. *See* **Trade dispute**.

INDUSTRIAL TRIBUNAL
Procedure—
Complaint of unfair dismissal—
Presentation of complaint to tribunal—Time limit for presentation of complaint expiring on day when tribunal office closed—Complaint presented to office on next working day—Whether complaint presented in time—Whether complaint can be 'presented' by posting complaint through tribunal office's street letter box—Employment Protection (Consolidation) Act 1978, s 67(2). **Swainston v Hetton Victory Club Ltd** [1983] 1 1179, EAT & CA.

INFANT
Care—
Local authority. *See* **Child** (Care—Local authority).
Guardianship—
Guardian's allowance. *See* **Social security** (Guardian's allowance).

INFORMATION
Magistrates—
Generally. *See* **Magistrates** (Information).

INHERITANCE
Loss of prospect of inheritance—
Damages—
Fatal accident cases. *See* **Fatal accident** (Damages—Loss of prospect of inheritance).

INJUNCTION
Availability of remedy. *See* **Judicial review** (Avialability of remedy).
Balance of convenience—
Interlocutory injunction. *See* Interlocutory—Balance of convenience, *post*.
Breach of injunction—
Committal for contempt of court. *See* **Contempt of court** (Committal—Breach of injunction).
Children—
Removal from jurisdiction—
Generally. *See* **Minor** (Removal outside jurisdiction—Injunction).
Domestic violence—
Attachment of power of arrest to injunction. *See* Husband and wife—Domestic violence—Attachment of power of arrest to injunction, *post*.
Exclusion of party from matrimonial home—
Divorce proceedings pending—
Wife having moved out of matrimonial home with children of marriage and living in unsuitable accommodation—Wife applying for order excluding husband from matrimonial home—Wife not having reasonable grounds for refusing to live in matrimonial home with husband but refusing to return while husband living there—Whether grounds for court to exclude husband from matrimonial home—Whether needs of children rather than justice between husband and wife proper test of whether husband should be excluded—Matrimonial Homes Act 1967, s 1—Guardianship of Minors Act 1971, s 1. **Richards v Richards** [1983] 2 807, HL.
Husband and wife—
Domestic violence—
Attachment of power of arrest to injunction—Application to be made by party to marriage—Former wife applying for power of arrest to be attached to injunction excluding former husband from former matrimonial home—Whether 'party to a marriage' including party to a former marriage—Domestic Violence and Matrimonial Proceedings Act 1976, s 2(1)(2). **White v White** [1983] 2 51, CA.
Matrimonial home—
Exclusion of party from matrimonial home. *See* Exclusion of party from matrimonial home, *ante*.

INJUNCTION (cont)
Interlocutory—
Balance of convenience—
Bank—Confidential information between bank and customer—Bank seeking to comply with foreign subpoena to produce in foreign court documents belonging to customer—Disclosure of documents likely to harm customer beyond adequate compensation—Bank fearing that it would be liable to proceedings in foreign court for contempt of court if documents not produced—Whether court should grant injunction restraining bank from complying with subpoena. **X AG v A bank** [1983] **2** 464, QBD.
Danger that defendant may transfer assets out of jurisdiction—
Costs of innocent third party—Variation of injunction—Innocent third party successfully seeking variation of injunction—Third party entitled to reasonable costs of application—Costs to be taxed on solicitor and own client basis—Burden of establishing reasonableness of costs on third party—RSC Ord 62, r 29(1). **Project Development Co Ltd SA v KMK Securites Ltd (Syndicate Bank intervening)** [1983] **1** 465, QBD.
Injunction restraining removal of assets out of the jurisdiction—Application to vary injunction to enable defendant to pay debts and legal expenses and meet reasonable living expenses—Whether injunction should be maintained to preserve trust fund and plaintiff's tracing rights if successful in action. **PCW (Underwriting Agencies) Ltd v Dixon** [1983] **2** 158, QBD.
Injunction restraining removal of assets out of jurisdiction—Variation of injunction—Variation to increase defendant's allowance for living expenses, to meet outstanding debts and to pay defendant's legal costs—Whether injunction should be varied. **PCW (Underwriting Agencies) Ltd v Dixon** [1983] **2** 697, CA.
Land Register—Mareva injunction—Whether plaintiff entitled to register Mareva injunction in land charges register—Land Charges Act 1972, s 6(1)(*a*). **Stockler v Fourways Estates Ltd** [1983] **3** 501, QBD.
Protection of interests of innocent third parties—Banks—Assets covered by injunction held by bank—Variation of injunction to protect bank—Protection of bank's usual rights of set-off against a customers' funds—Bank making loans to defendant prior to injunction—Whether bank entitled to variation of injunction to enable it to exercise usual rights of set-off in respect of loans—Whether bank required to make disclosures regarding state of defendant's accounts with it and existence of other assets of defendant available to meet repayment of principle and interest under loans. **Oceanica Castelana Armadora SA v Mineralimportexport** [1983] **2** 65, QBD.
Preservation of subject-matter of cause—
Injunction restraining removal of assets out of jurisdiction—Variation of injunction—Variation to increase defendant's allowance for living expenses, to meet outstanding debts and to pay defendant's legal costs—Whether injunction should be varied. **PCW (Underwriting Agencies) Ltd v Dixon** [1983] **2** 158, QBD.
Injunction restraining removal of assets out of jurisdiction—Application to vary injunction to enable defendant to pay debts and legal expenses and meet reasonable living expenses—Whether injunction should be maintained to preserve trust fund and plaintiff's tracing rights if successful in action. **PCW (Underwriting Agencies) Ltd v Dixon** [1983] **2** 697, CA.
Specific performance—
Mandatory injunction compelling execution of contractual obligation. *See* **Execution** (Instrument—Execution by person nominated by High Court—Jurisdiction—Contract).
Matrimonial injunction—
Domestic violence. *See* Husband and wife—Domestic violence—Attachment of power of arrest to injunction, *ante*.
Undertaking—
'Without prejudice' offer to give undertaking before hearing. *See* **Compromise** (Offer made before hearing—Injunction).
'Without prejudice' offer to submit to injunction. *See* **Compromise** (Offer made before hearing—Injunction).

INLAND REVENUE COMMISSIONERS
Judicial review of commissioners' exercise of discretion—
Availability of remedy. *See* **Judicial review** (Availability of remedy—Exercise of discretion on behalf of Crown—Inland Revenue Commissioners).

INSANITY
Automatism distinguished. *See* **Criminal law** (Automatism—Insanity distinguished).

INSOLVENCY
Company—
Winding-up. *See* **Company** (Winding-up).

INSURANCE
All risks insurance—
Contractors' all risks policy—
Construction—Policy to indemnify insured including contractors and sub-contractors—Insurance policy taken out by head contractors to cover risk to all contractors and sub-contractors—Loss resulting from negligence of defendants engaged by sub-contractors of head contractor—Insurers seeking to exercise right of subrogation against defendants—Whether defendants acting as sub-contractors—Whether sub-contractors insured in respect of whole contract works or only in respect of own property—Whether nature of interest insured insurance of property or only insurance against liability in respect of other parties on site. **Petrofina (UK) Ltd v Magnaload Ltd** [1983] **3** 35, QBD.
Marine insurance. *See* **Marine insurance.**
Motor insurance—
Generally. *See* **Motor insurance.**
Policy—
Proper law. *See* **Conflict of laws** (Contract—Proper law of contract—Insurance policy).

INTEREST
Arbitration award. *See* **Arbitration** (Award—Interest).

NTEREST (cont)
Damages—
Personal injury—
Pain, suffering and loss of amenities—Rate of interest—Interest to be awarded at rate of 2 per cent from date of writ to date of judgment—Law Reform (Miscellaneous Provisions) Act 1934, s 3. **Wright v British Rlys Board** [1983] **2** 698, HL.
Pleading. *See* **Practice** (Interest—Pleading).

NTERLOCUTORY INJUNCTION
Generally. *See* **Injunction** (Interlocutory).

NTERNATIONAL CARRIAGE BY AIR
Goods. *See* **Carriage by air** (Carriage of goods—International carriage).
Passengers. *See* **Carriage by air** (Carriage of passengers—International carriage).

NTERNATIONAL LAW
Private international law. *See* **Conflict of laws**.

NTERROGATORY
Generally. *See* **Discovery** (Interrogatory).

NTOXICATING LIQUOR
Licensing. *See* **Licensing**.
Weights and measures. *See* **Weights and measures**.

NVESTMENT
Funds in court—
Generally. *See* **Practice** (Funds in court).
Trust—
Powers of investment—
Jurisdiction of court to extend powers. *See* **Variation of trusts** (Variation by the court—Investment clause—Extension of powers of investment).

OINT ACCOUNT
Bank. *See* **Bank** (Account—Joint account).

OINT TENANCY
Means of effecting severance—
Notice in writing of desire to sever joint tenancy in equity—
Prayer in divorce petition—Prayer for transfer of or settlement or variation of settlement of former matrimonial home—Whether effective to constitute severance of joint tenancy in equity—Law of Property Act 1925, s 36(2). **Harris v Goddard** [1983] **3** 242, CA.

OURNALIST
Contempt of court—
Publications concerning legal proceedings. *See* **Contempt of court** (Publications concerning legal proceedings).

UDGMENT
Execution. *See* **Execution**.
Foreign. *See* **Conflict of laws** (Foreign judgment).
Order—
Correction—
Accidental slip or omission—Election court for local election—Correction of order as to costs—Whether correction permissible—RSC Ord 20, r 11. **R v Cripps, ex p Muldoon** [1983] **3** 72, QBD.
Summary judgment—
Generally. *See* **Practice** (Summary judgment).

UDICIAL NOTICE
Offensive weapons. *See* **Criminal evidence** (Judicial notice—Offensive weapons).

UDICIAL REVIEW
Appeal—
Court of Appeal—
Jurisdiction. *See* **Court of Appeal** (Jurisdiction—Appeal from Divisional Court—Application for judicial review).
House of Lords—
Jurisdiction. *See* **House of Lords** (Appeal from Court of Appeal, Civil Division—Jurisdiction—Judicial review).
Availability of remedy—
Alternative remedy available—
Alternative remedy not pursued—Whether appropriate to grant leave to apply for judicial review. **R v Epping and Harlow General Comrs, ex p Goldstraw** [1983] **3** 257, QBD & CA.
Certiorari—
Declaration or injunction—Dismissal of employee—Disciplinary procedure for dismissal forming part of contract of employment—Whether relief by way of judicial review of dismissal available—Supreme Court Act 1981, s 31(1)—RSC Ord 53, r 1(1)(*a*)(2). **R v British Broadcasting Corp, ex p Lavelle** [1983] **1** 241, QBD.
Declaration or injunction—
Relief sought in action begun by originating summons claiming declaration or injunction—Suspension of greyhound trainer by stewards controlling greyhound racing—Disciplinary procedure derived from contract between trainer and domestic body which controlled greyhound racing—Whether relief by way of judicial review of trainer's suspension available—Supreme Court Act 1981, s 31(1)(2)—RSC Ord 53. **Law v National Greyhound Racing Club Ltd** [1983] **3** 300, CA.

JUDICIAL REVIEW (cont)
Availability of remedy (cont)—
Declaration or injunction (cont)—
Relief sought in action begun by writ claiming declaration or injunction—Dismissal of employee—Disciplinary procedure for dismissal forming part of contract of employment—Criminal proceedings for theft pending against employee—Whether jurisdiction to interfere with dismissal by injunctive or declaratory relief—Whether pending criminal proceedings requiring proceedings under disciplinary procedure to be postponed until conclusion of criminal proceedings—Supreme Court Act 1981, s 31(2)—RSC Ord 53, r 9(5). **R v British Broadcasting Corp, ex p Lavelle** [1983] **1** 241, QBD.
Exercise of discretion on behalf of Crown—
Inland Revenue Commissioners—Powers to initiate machinery for cancellation of tax advantage—Assurance given to taxpayer by Revenue in 1978 that no further investigation would be made into sale of certain shares—Taxpayer forgoing claims for tax relief in reliance on assurance—Revenue deciding in 1982 to reopen investigation into sale of shares—Whether Revenue bound to investigate alleged tax advantage—Whether court may review decision to reopen investigation—Whether decision to reopen investigation an unreasonable exercise of discretion—Income and Corporation Taxes Act 1970, ss 460, 465. **R v Inland Revenue Comrs, ex p Preston** [1983] **2** 300, QBD.
Boundary Commission—
Redistribution of seats at Parliamentary elections—
Review of exercise of commission's powers. *See* **Elections** (Parliamentary—Redistribution of seats—Discretion of Boundary Commission—Judicial review of commission's exercise of powers).
Declaration—
Circumvention of procedure for application for judicial review—
Plaintiff bringing action for damages in negligence against local authority for advice given in respect of enforcement notice—Local authority seeking to strike out statement of claim on ground that abuse of the process of the court—Whether claim in negligence involving public or private rights—Whether plaintiff entitled to protection of public law and therefore unable to defend right by way of ordinary action. **Davy v Spelthorne BC** [1983] **3** 278, HL.
Delay—
Reasons for delay—
Application to set out reasons for delay—Extension of time—Consent of proposed respondent—Application by proposed respondent to set aside leave or direction given—RSC Ord 53, r 4. **Practice Note** [1983] **2** 1020, QBD.
Estoppel—
Issue estoppel. *See* **Estoppel** (Issue estoppel—Judicial review).
Evidence in support of claim for relief—
Record of proceedings in Parliament—
Admissibility—Applicant claiming relief in respect of something done outside Parliament—Applicant relying on statements made in Parliament and recorded in Hansard to support his claim—Whether Hansard can be used to support claim for judicial review. **R v Secretary of State for Trade, ex p Anderson Strathclyde plc** [1983] **2** 233, QBD.
Jurisdiction—
Review of order of local election court—
Direction as to costs. *See* **Elections** (Election court—Election court for local election—Election court making ultra vires direction as to costs—Application for judicial review—Jurisdiction of High Court to grant judicial review).
Leave to apply for judicial review—
Matrimonial and family matters—
Practice—Applications to contain request that matter be dealt with by judge of Family Division. **R v Dover Magistrates' Court, ex p Kidner** [1983] **1** 475, QBD.
Magistrates' proceedings. *See* **Magistrates** (Proceedings—Control by judicial review).
Matrimonial and family matters—
Leave to apply for judicial review. *See* Leave to apply for judicial review—Matrimonial and family matters, *ante*.
Practice—
Leave to apply for judicial review. *See* Leave to apply for judicial review, *ante*.
Suitability of remedy—
Challenge to validity of stop notice under town and country planning legislation—
Whether judicial review appropriate means of challenging validity of stop notice. **R v Jenner** [1983] **2** 46, CA.

JURY
Evidence in absence of jury. *See* **Criminal law** (Trial—Evidence in absence of jury).
Majority verdict—
Statement of number of assenting and dissenting jurors—
Number of dissenting jurors—Failure to comply with requirement that number of dissenting jurors be stated by foreman in open court—Validity of verdict—Whether mandatory to state number of dissenting jurors—Whether failure to comply with requirement rendering verdict nugatory—Juries Act 1974, s 17(3). **R v Pigg** [1983] **1** 56, HL.
Verdict—
Majority verdict. *See* Majority verdict, *ante*.

JUSTICES
Committal proceedings—
Generally. *See* **Criminal law** (Committal—Preliminary hearing before justices).
Generally. *See* **Magistrates**.
Licensing—
Gaming. *See* **Gaming**.
Intoxicating liquor. *See* **Licensing**.
Public music and dancing. *See* **Entertainment** (Music and dancing licence).

KEEPING A DISORDERLY HOUSE
See **Criminal law** (Disorderly house).

KNIFE
Flick knife—
Whether an offensive weapon per se. *See* **Criminal law** (Offensive weapons—Article made or adapted for use for causing injury—Flick knife).

LAND
Appropriation by local authority—
Generally. *See* **Local authority** (Land—Power to appropriate land).
Charge. *See* **Land charge**.
Compulsory purchase—
Generally. *See* **Compulsory purchase**.
Housing. *See* **Housing** (Compulsory purchase).
Conservation area. *See* **Town and country planning** (Conservation area).
Local authority. *See* **Local authority** (Land).
Option to purchase. *See* **Option** (Option to purchase).
Registration—
Generally. *See* **Land registration**.
Restrictive covenant affecting. *See* **Restrictive covenant affecting land**.
Sale—
Generally. *See* **Sale of land**.
Summary proceedings for possession—
Procedure—
Adjournment to judge—Appointment before master not required. **Practice Direction**. [1983] **1** 131, ChD.
Title—
Landlord. *See* **Landlord and tenant** (Title).
Town and country planning. *See* **Town and country planning**.

LAND CHARGE
Pending action—
Vacation of entry in register. *See* Vacation of entry in register—Pending action, *post*.
Register—
Production—
Practice. *See* **Land registration** (Production of register of title).
Vacation of entry in register—
Pending action—
Power of court to order vacation of registration—Mareva injunction registered in land register—Whether injunction registered for 'purpose of enforcing a judgment'—Land Charges Act 1972, s 6(1)(*a*). **Stockler v Fourways Estates Ltd** [1983] **3** 501, QBD.

LAND REGISTRATION
Production of register of title—
Application for inspection of register etc—
Procedure—Ex parte application in High Court—Affidavit that judgment debtor is proprietor of land or charge thereon—Procedure where sum not exceeding county court limit—Land Registration Act 1925, s 112(2)(3)—Charging Orders Act 1979, s 1(2). **Practice Direction** [1983] **1** 352, QBD.

LANDLORD AND TENANT
Agricultural holding—
Generally. *See* **Agricultural holding**.
Assignment of lease—
Covenant against assignment—
Forfeiture of lease for breach of covenant. *See* Forfeiture of lease—Breach of covenant prohibiting assignment, *post*.
Breach of covenant to repair—
Damages—
Landlord's covenant. *See* Repair—Landlord's covenant—Damages for breach, *post*.
Leave to institute proceedings—
Discretion of court—Standard of proof of alleged breach of covenant—Prima facie case sufficient—Court having discretion to refuse leave even though prima facie case made out—Circumstances in which discretion will be exercised—Leasehold Property (Repairs) Act 1938, s 1(5). **Land Securities plc v Receiver for the Metropolitan Police District** [1983] **2** 254, ChD.
Business premises—
Application for new tenancy—
Withdrawal of application—Leave to discontinue proceedings—Terms on which leave should be given—Tenants entitled to compensation on withdrawal of application—Landlords withdrawing opposition to grant of new tenancy before tenants deciding to seek leave to withdraw application—Whether court in giving leave to discontinue should impose condition that tenants should not pursue claim for compensation—Landlord and Tenant Act 1954, s 37(1)—RSC Ord 21, r 3(1). **Lloyds Bank Ltd v City of London Corp** [1983] **1** 92, CA.
New tenancy—
Application for new tenancy. *See* Business premises—Application for new tenancy, *ante*.
Estoppel—
Right of tenant to question landlord's title. *See* Title—Right of tenant to question landlord's title—Estoppel, *post*.
Forfeiture of lease—
Breach of covenant prohibiting assignment—
Secure tenancy—Tenant assigning secure tenancy in breach of lease—Statute preserving secure tenancy on assignment if assignee meeting statutory requirements—Assignee satisfying statutory requirements—Landlord treating assignee as a trespasser and seeking possession order—Landlord not complying with statutory notice requirements for possession proceedings against tenant—Whether assignment in breach of tenancy of no effect—Whether statutory provisions preserving secure tenancy on assignment only applicable to assignments not in breach of the tenancy—Whether landlord required to comply with notice provisions—Housing Act 1980, ss 28, 30, 33, 37(1). **Governors of the Peabody Donation Fund v Higgins** [1983] **3** 122, CA.

LANDLORD AND TENANT (cont)
Forfeiture of lease (cont)—
Breach of repairing covenant—
Leave to institute proceedings. *See* Breach of covenant to repair—Leave to institute proceedings, *ante*.
Freehold—
Acquisition by long leaseholder. *See* Leasehold enfranchisement, *post*.
Lease—
Diplomatic agent's residence—
Diplomatic privilege. *See* **Constitutional law** (Diplomatic privilege—Immunity from legal process—Residence of diplomatic agent—Lease of residence).
Forfeiture. *See* Forfeiture of lease, *ante*.
Leasehold enfranchisement—
Long tenancy—
Tenancy for term of years certain—Tenancy granted by housing association—Tenancy granted for term of years exceeding 21 years 'or until this Lease shall cease ... to be vested in a Member of the Association'—Tenant becoming and remaining a member of the association—Tenant claiming right to acquire freehold—Whether tenancy for a 'term of years certain'—Whether tenancy a 'long tenancy'—Leasehold Reform Act 1967, s 3(1). **Eton College v Bard** [1983] 2 961, CA.
Long leasehold—
Acquisition of freehold or extended lease. *See* Leasehold enfranchisement, *ante*.
New tenancy—
Business premises—
Generally. *See* Business premises, *ante*.
Renewal of lease—
Rent—
Review. *See* Rent—Review—Renewal of lease, *post*.
Rent—
Collection—
Appointment of receiver to collect rent. *See* **Receiver** (Appointment by court—Protection or preservation of property—Landlord failing to collect rents or to repair).
Payment—
Recognition of landlord's title—Estoppel. *See* Title—Right of tenant to question landlord's title—Estoppel, *post*.
Restriction. *See* **Rent restriction**.
Review—
Failure to comply with time limits—Effect—Delay in serving assessment notice to initiate rent review—Time not of the essence in serving notice—Whether delay, however unreasonable, precluding landlord from relying on notice. **Amherst v James Walker Goldsmith and Silversmith Ltd** [1983] 2 1067, CA.
Renewal of lease—New rent payable to be rent agreed between parties or fixed by arbitrator in default of agreement—Whether rent to be fair rent as between parties or market rent—Whether improvements made by tenant's predecessor in title to be taken into account—Whether premium to be added to take account of anticipated inflation. **Lear v Blizzard** [1983] 3 662, QBD.
Rent payable on review to be rent agreed between parties or fixed by arbitration in default of agreement—Rent fixed by arbitration after tenant surrendering lease—Whether surrender before arbitrator's determination discharging tenant's liability to pay new rent—Whether tenant liable to pay new rent even though new rent not determined until after surrender of lease. **Torminster Properties Ltd v Green** [1983] 2 457, ChD.
Repair—
Breach of covenant—
Generally. *See* Breach of covenant to repair, *ante*.
Landlord's covenant—
Breach of covenant—Appointment of receiver. *See* **Receiver** (Appointment—Protection or preservation of property—Landlord failing to collect rents or to repair).
Damages for breach—Measure of damages—Premises acquired as a home becoming uninhabitable due to landlord's breach of repairing covenant—Tenant having to move into alternative accommodation—Whether measure of damages the diminution in market value of the premises—Whether cost of alternative accommodation recoverable by tenant. **Calabar Properties Ltd v Stitcher** [1983] 3 759, CA.
Secure tenancy—
Forfeiture of lease—
Breach of covenant prohibiting assignment. *See* Forfeiture of lease—Breach of covenant prohibiting assignment—Secure tenancy, *ante*.
Sub-tenancy—
Statutory tenancy. *See* **Rent restriction** (Sub-tenancy).
Tenancy—
Agricultural holding. *See* **Agricultural holding**.
Business premises. *See* Business premises, *ante*.
Title—
Right of tenant to question landlord's title—
Estoppel—Tenant paying rent to landlord in ignorance of fact that landlord's title had been determined—Tenant refusing to pay rent on discovering true facts about landlord's title—Tenant unable to show that there was a third party who had a better title than landlord—Whether tenant estopped from denying landlord's title. **National Westminster Bank Ltd v Hart** [1983] 2 177, CA.

LAW SOCIETY
Intervention in solicitor's practice—
Dishonesty. *See* **Solicitor** (Dishonesty—Intervention by Law Society in solicitor's practice).

LEASE
Agricultural holding. *See* **Agricultural holding**.
Business premises. *See* **Landlord and tenant** (Business premises).

LEASE (cont)

Diplomatic agent's residence—

Action to enforce obligations under lease—

Whether diplomatic agent protected from suit by diplomatic immunity. *See* **Constitutional law** (Diplomatic privilege—Immunity from legal process—Residence of diplomatic agent—Lease of residence).

Forfeiture—

Generally. *See* **Landlord and tenant** (Forfeiture of lease).

Generally. *See* **Landlord and tenant.**

Long lease—

Enfranchisement. *See* **Landlord and tenant** (Leasehold enfranchisement).

Rent—

Generally. *See* **Landlord and tenant** (Rent).

Repair. *See* **Landlord and tenant** (Repair).

LEASEHOLD ENFRANCHISEMENT

See **Landlord and tenant** (Leasehold enfranchisement).

LEAVE

Appeal—

Arbitration award. *See* **Arbitration** (Award—Leave to appeal against award).

Court of Appeal—

Generally. *See* **Court of Appeal** (Leave to appeal).

LEGAL AID

Bail applications—

Crown Court. *See* **Crown Court** (Bail—Applications).

Certificate—

Amendment—

Retrospective amendment—Criminal cases—Powers of court. **R v Gibson** [1983] 3 263, CA.

Scope of certificate—

Counsel's fees—Certificate to 'brief counsel'—Whether certificate covering counsel's fees for work done before delivery of brief—Whether discretion to allow unauthorised costs incurred in instructing counsel where no party and party taxation—Legal Aid (General) Regulations 1980, regs 60(1), 64(4). **Din v Wandsworth London Borough Council (No 3)** [1983] 2 841, QBD.

Criminal cases—

Appeal—

Application for leave to appeal—Application to full court when single judge refused leave to appeal—Scope of legal aid certificate—Assistance in preparation of application for leave to appeal—Certificate also covering assistance regarding application to full court where single judge refuses leave—No need for court to amend certificate—Criminal Appeal Act 1968, s 31(3)—Legal Aid Act 1974, ss 28(7), 30(1)(7)(9), 31—Criminal Appeal Rules 1968, r 12. **R v Gibson** [1983] 3 263, CA.

Application for leave to appeal—Application to full court when single judge refuses leave to appeal—Whether grant of legal aid for purposes of appeal covers legal representation at hearing of application before full court—Whether full court can grant legal aid to cover legal representation at hearing—Legal Aid Act 1974, ss 28(8), 30(7)(a)(9)—Legal Aid in Criminal Proceedings (General) Regulations 1968, reg 12. **R v Kearney** [1983] 3 270, CA.

Court of Appeal—Powers of Court of Appeal—Power to amend legal aid order made by single judge when giving leave to appeal—Legal Aid Act 1974, s 31. **R v Gibson** [1983] 3 263, CA.

Bail applications—

Crown Court. *See* **Crown Court** (Bail—Applications).

Taxation—

Procedure—

Chancery Division—Use of postal facilities. *See* **Practice** (Chancery Division—Applications by post or telephone).

Taxation of costs—

Counsel's fees—

Scope of certificate. *See* Certificate—Scope of certificate—Counsel's fees, *ante*.

LEGAL PROFESSIONAL PRIVILEGE

Expert evidence—

Criminal proceedings. *See* **Criminal evidence** (Expert evidence—Legal professional privilege).

LETTER OF CREDIT

Generally. *See* **Bank** (Documentary credit).

LIBEL AND SLANDER

Damages—

Appeal—

When Court of Appeal can order new trial or substitute its own award—Test whether no reasonable jury properly directed and properly considering evidence could have made award—No power to order new trial or substitute different award merely because Court of Appeal considers award to be excessive—£45,000 aggravated damages awarded to former civil servant for libel that he was dismissed from Civil Service for incompetence—Whether award so high that no reasonable jury properly directed and properly considering the evidence could have made such an award. **Blackshaw v Lord** [1983] 2 311, CA.

Privilege—

Qualified privilege. *See* Qualified privilege, *post*.

LIBEL AND SLANDER (cont)

Qualified privilege—

Common law privilege—

Report in newspaper—When newspaper report entitled to protection of common law privilege—Journalist inferring from statement made to him by government official that plaintiff dismissed from Civil Service for incompetence—Allegations against plaintiff not substantiated at time of publication—Whether public at large having legitimate interest in publication of inference—Whether newspaper having duty to publish inference—Whether fair information on matter of public interest a defence open to newspaper at common law. **Blackshaw v Lord** [1983] 2 311, CA.

Notice or other matter issued by government department—

Fair and accurate report of notice or other matter issued by government department—Report in newspaper—What constitutes matter issued by government department—Whether statement given by government official to journalist over telephone can constitute 'matter issued' by government department—Whether statement made without authority by government official in answer to journalist's questions can constitute 'matter issued' by government department—Defamation Act 1952, s 7(1), Schedule, para 12. **Blackshaw v Lord** [1983] 2 311, CA.

LICENCE

Driving licence—

Disqualification. *See* **Road traffic** (Disqualification for holding licence).

Endorsement—

Penalty points. *See* **Road traffic** (Penalty points—Disqualification—Endorsement of licence).

Gaming—

Generally. *See* **Gaming** (Gaming licence).

Intoxicating liquor. *See* **Licensing**.

Licence to occupy premises—

Contractual licence—

Implied term—Fitness for purpose—Licence to occupy factory—Factory becoming unsuitable and dangerous forcing licensee to relocate and suffer loss—Whether term to be implied in licence that factory fit for purpose required by licensee. **Wettern Electric Ltd v Welsh Development Agency** [1983] 2 629, QBD.

Terms of licence providing that fixtures not to be removed at end of licence—Licensee expending money on fixtures—Licensor ejecting licensee in breach of contract—Licensee moving to rent free premises until after licence would have expired—Licensee claiming cost of fixtures as damages—Whether licensee entitled to be put in same position as before contract—Whether licensee only entitled to be put in position he would have been in if contract performed. **C & P Haulage (a firm) v Middleton** [1983] 3 94, CA.

Music and dancing. *See* **Entertainment** (Music and dancing licence).

LICENSING

Gaming—

Generally. *See* **Gaming**.

Licence—

Grant—

Off-licence—Grant subject to undertaking—Undertaking contrasted with condition—Whether justices entitled to grant off-licence subject to undertaking from applicant how he will operate licence—Whether applicant bound to observe undertaking if granted licence—Whether departure from undertaking relevant on objection to renewal of licence—Licensing Act 1964, s 3. **R v Edmonton Licensing Justices, ex p Baker** [1983] 2 545, QBD.

Renewal—

Off-licence—Application for renewal—Guidelines on the approach which the justices should adopt. **R v Windsor Licensing Justices, ex p Hodes** [1983] 2 551, CA.

Off-licence—Original licence for sale of intoxicating liquor on self-service basis in multiple store—Subsequent change of policy by licensing justices—Justices deciding as matter of policy to renew licences for multiple stores only if store agreed to sell liquor in supervised area with separate check-out—Notification sent to licensee—Store not complying with policy—Justices objecting to renewal of licence—No other objections to renewal—No reason for justices' objection given on oath—Application for renewal refused without licensee having opportunity of dealing with justices' objection—Whether justices entitled to refuse to renew licence—Licensing Act 1964, s 7(4). **R v Windsor Licensing Justices, ex p Hodes** [1983] 2 551, CA.

Occasional licence—

Grant—

Circumstances in which occasional licence may be granted—Applicant forgetting to renew on-licence for premises—Applicant holder of on-licence for other premises—Whether magistrate entitled to grant occasional licences for purpose of allowing liquor to be sold lawfully until application for late renewal of on-licence heard—Whether 'occasional licence' can only be granted for a particular event or function—Licensing Act 1964, s 180(1)(2). **R v Bow Street Stipendiary Magistrate, ex p Comr of Police of the Metropolis** [1983] 2 915, QBD.

Off-licence—

Grant. *See* Licence—Grant—Off-licence, *ante*.

Renewal. *See* Licence—Renewal—Off-licence, *ante*.

LIEN

Shipowner's lien—

Non-payment of hire—

Time charterparty. *See* **Shipping** (Time charterparty—Hire—Lien for non-payment of hire).

LIMITATION OF ACTION

Accrual of cause of action—

Shipping—

General average contribution by cargo owners. *See* **Shipping** (General average—Contribution by cargo owners—Accrual of cause of action for contribution).

LIMITATION OF ACTION (cont)
Court's power to override time limit in personal injury or fatal accident claim—
Exercise of discretion—
Appeal against exercise of discretion—When Court of Appeal will interfere with judge's exercise of his discretion—Limitation Act 1980, ss 11, 33. **Conry v Simpson** [1983] **3** 369, CA.
Negligence—
When time begins to run. *See* When time begins to run—Actions in tort—Accrual of cause of action—Negligence, *post*.
Personal injury claim—
Court's power to override time limit. *See* Court's power to override time limit in personal injury or fatal accident claim, *ante*.
Postponement of limitation period—
Action for relief from consequences of mistake—
Plaintiff buying drawing believed to be original—Drawing discovered to be reproduction ten years after purchase—Whether plaintiff's claim for rescission time-barred—Whether plaintiff could 'with reasonable diligence' have discovered the mistake six years prior to institution of proceedings—Whether plaintiff obliged to have independent valuation of drawing soon after purchase—Whether plaintiff entitled to rely on reputation of defendants—Limitation Act 1980, s 32(1)(*c*). **Peco Arts Inc v Hazlitt Gallery Ltd** [1983] **3** 193, QBD.
When time begins to run—
Action arising from contract for carriage of goods. *See* **Carriers** (Contract—Carriage of goods—Action arising out of carriage—Limitation period).
Action for relief from consequences of mistake. *See* Postponement of limitation period—Action for relief from consequences of mistake, *ante*.
Actions in tort—
Accrual of cause of action—Negligence—Damage—Lapse of time between negligent act and occurrence of damage—Action against consultant engineers in respect of negligent design of chimney—Cracks occurring in chimney more than six years before action brought—Writ issued within six years of date when cracks could reasonably have been discovered—Whether limitation period running from date when damage occurred or when damage could reasonably have been discovered—Limitation Act 1939, s 2(1)(*a*). **Pirelli General Cable Works Ltd v Oscar Faber & Partners (a firm)** [1983] **1** 65, HL.
Accrual of cause of action—Negligence—Damage—Lapse of time between negligent act and occurrence of damage—Action against burglary prevention specialist for negligent installation of security door—Burglar forcing security door to gain entry—Writ issued more than six years after negligence work completed but less than six years after burglary—Whether limitation period running from date of completion or from date of burglary. **Dove v Banhams Patent Locks Ltd** [1983] **2** 833, QBD.

LIMITATION OF LIABILITY
Shipping. *See* **Shipping** (Limitation of liability).

LIVING ON EARNINGS OF PROSTITUTION
See **Criminal law** (Prostitution—Living on earnings of prostitution).

LOCAL AUTHORITY
Child—
Care. *See* **Child** (Care—Local authority).
Compulsory acquisition of land—
Housing. *See* **Housing** (Compulsory purchase).
Documents—
Generally. *See* **Local government** (Documents).
Education—
Grant for university study. *See* **Education** (University—Grant for study—Local authority grant).
Greater London Council—
Statutory powers—
Excessive exercise of statutory powers. *See* **Public authority** (Statutory powers—Excessive exercise of statutory powers—Greater London Council).
Homeless persons—
Housing. *See* **Housing** (Homeless person).
Housing—
Generally. *See* **Housing**.
See **Housing**.
Land—
Power to appropriate land—
Exercise of power—Local authority appropriating by resolutions under power to acquire land immediately for planning purposes—Whether planning purpose required to be implemented immediately—Whether resolutions invalid if planning purpose not implemented immediately—Town and Country Planning Act 1971, s 112(1). **Thames Water Authority v Elmbridge BC** [1983] **1** 836, CA.
Misuse of statutory powers. *See* **Public authority** (Statutory powers—Misuse of powers).
Offensive trades. *See* **Public health** (Offensive trades).
Party to civil proceedings—
Practice. *See* **Practice** (Parties—Local authority).
Property—
Reorganisation of National Health Service—
Transfer of property to Minister. *See* **National Health Service** (Reorganisation—Transfer from local authorities to Minister of property held by local authorities for their former health functions).
Public health—
Generally. *See* **Public health**.
Rates. *See* **Rates**.
Statutory powers—
Duty to take care in exercising powers. *See* **Negligence** (Duty to take care—Statutory powers—Act performed in exercise of power-Local authority).
Generally. *See* **Public authority** (Statutory powers).

LOCAL AUTHORITY (cont)
Sunday closing of shops—
Enforcement. *See* **Shop** (Sunday closing—Enforcement by local authority).
Town and country planning—
Generally. *See* **Town and country planning.**

LOCAL GOVERNMENT
Documents—
Inspection—
Inspection by councillor—Application for adoption order—Social services committee report on suitability of prospective adoptive parents—Councillor of housing sub-committee requesting disclosure of social services report—Councillor claiming disclosure necessary to enable her to perform duties as councillor—Social services committee withholding report—Whether councillor entitled to see report. **City of Birmingham DC v O** [1983] 1 497, HL.
Rates. *See* **Rates.**

LONDON TRANSPORT EXECUTIVE
Fares—
Reduction—
Greater London Council requiring LTE to reduce fares—Whether GLC acting in excess of statutory power—Transport (London) Act 1969, ss 1, 5(1), 7(3)(*b*)(6). **R v London Transport Executive, ex p Greater London Council** [1983] 2 262, QBD.

LONG LEASE
Acquisition of freehold or extended lease. *See* **Landlord and tenant** (Leasehold enfranchisement).

LONG VACATION
Queen's Bench Division—
Practice. *See* **Practice** (Long vacation—Queen's Bench Division).

LORRY
Heavy motor vehicle. *See* **Road traffic** (Heavy motor car).

MACHINERY
Fencing—
Building operations. *See* **Building** (Building operations—Fencing of machinery).
Income tax—
Allowance. *See* **Income tax** (Capital allowances—Machinery or plant).

MAGISTRATES
Bail. *See* **Criminal law** (Bail).
Bias—
Knowledge of other charges against defendant—
Discretion not to continue hearing charge where possible bias arising from knowledge of other charges—Test of bias—Proper test whether appearance of bias and not whether actual bias—Appearance of bias where fair-minded person sitting in court with knowledge of relevant facts would think fair trial impossible. **R v Liverpool City Justices, ex p Topping** [1983] 1 490, QBD.
Binding-over—
Forfeiture of recognisance—
Standard of proof—Recognisance to keep peace or be of good behaviour—No conviction when recognisance entered into—Forfeiture of recognisance only liability on breach of recognisance—Application to forfeit recognisance for breach—Whether breach of recognisance to be determined according to civil or criminal standard of proof. **R v Marlow Justices, ex p O'Sullivan** [1983] 3 578, QBD.
Committal proceedings—
Generally. *See* **Criminal law** (Committal—Preliminary hearing before justices).
Court register—
Procedure. *See* Procedure—Court register, *post*.
Dismissal of charge—
Judicial review—
Whether on application for judicial review court has power to interfere with magistrates' dismissal of charge. *See* Proceedings—Control by judicial review—Magistrates dismissing charge without giving prosecution opportunity to present case, *post*.
Domestic proceedings. *See* **Husband and wife.**
Hospital order. *See* **Sentence** (Hospital order).
Husband and wife—
Generally. *See* **Husband and wife.**
Information—
Duplicity—
Contravention of enforcement notice—Information alleging initial failure to comply with notice 'on and since' certain date—Whether continuing offence—Whether information bad for duplicity—Town and Country Planning Act 1971, s 89(5). **Chiltern DC v Hodgetts** [1983] 1 1057, HL.
Hearing two or more together—
Consent of defendant—Separate informations against one or more defendants—Connected facts—Whether court having power to hear informations together without consent of defendants. **Clayton v Chief Constable of Norfolk** [1983] 1 984, HL.
Summons and cross-summons arising out of informations—Informations founded on same incident and same facts—Whether magistrates having jurisdiction to hear summons and cross-summons together—Whether consent of either party material. **R v Epsom Justices, ex p Gibbons** [1983] 3 523, QBD.

MAGISTRATES (cont)

Jurisdiction—

Reopening case to rectify mistake etc—

Trial of information adjourned—Accused receiving no notice of date of adjourned hearing—Magistrates under statutory duty not to proceed unless satisfied that notice had been served on accused—Magistrates convicting accused in his absence without considering whether there was proof of service of notice on him—Whether magistrates having jurisdiction to order rehearing of case—Whether magistrates functus officio as soon as conviction announced—Magistrates' Courts Act 1980, ss 10, 142—Magistrates' Courts Rules 1981, 1981/552), rr 15, 99. **R v Seisdon Justices, ex p Dougan** [1983] 1 6, QBD.

Warrant for distress for non-payment of rates—

Unincorporated association and various different entities using premises—Claim for rates made against member of association—Defence of non-occupation of premises—Whether magistrate having jurisdiction to entertain defence of non-occupation when defence not raised by way of appeal to Crown Court—General Rate Act 1967, s 7. **Verrall v Hackney London BC** [1983] 1 277, CA.

Licensing—

Generally. *See* **Licensing**.

See **Licensing**.

Maintenance—

Husband and wife. *See* **Husband and wife** (Maintenance).

Music and dancing licences. *See* **Entertainment** (Music and dancing licence).

Procedure—

Court register—

Computer used to produce sheets forming register—Sheets containing all outstanding charges against defendant and convictions on which he awaited sentence—Whether practice of putting such court sheets before magistrates wrong in law—Magistrates' Courts Rules 1981, 1981/552), r 66(1)(2). **R v Liverpool City Justices, ex p Topping** [1983] 1 490, QBD.

Proceedings—

Control by judicial review—

Magistrates dismissing charge without giving prosecution opportunity to present case—Whether magistrates having power to dismiss charge without hearing any evidence on ground that unjust or prejudicial to defendant for hearing to continue. **R v Birmingham Justices, ex p Lamb** [1983] 3 23, QBD.

Magistrates dismissing charge without giving prosecution opportunity to present case—Breach of rules of natural justice—Magistrates dismissing information because date of adjournment sought by prosecution not covenient for defence—Prosecutor applying for certiorari to quash dismissal and mandamus directing justices to hear prosecution evidence against defendant—Whether on application for judicial review court has power to interfere with magistrates' dismissal of charge. **R v Dorking Justices, ex p Harrington** [1983] 3 29, QBD.

Reopening case to rectify mistake—

Jurisdiction. *See* Jurisdiction—Reopening case to rectify mistake etc, *ante*.

Road traffic offences. *See* **Road traffic**.

Sentence—

Hospital order. *See* **Sentence** (Hospital order).

Summons—

Summons and cross-summons—

Whether magistrates having jurisdiction to hear summons and cross-summons together. *See* Information—Hearing two or more together—Summons and cross-summons arising out of informations, *ante*.

MAIL

Generally. *See* **Post Office**.

MAINTENANCE

Husband and wife. *See* **Husband and wife** (Maintenance).

Minor. *See* **Minor** (Maintenance).

Employee obtaining discretionary pension benefits on retiring before fraud discovered—Payment would not have been made if employer had known of fraud—Whether employee under duty to disclose his misconduct to employer—Whether employee under duty to disclose misconduct of others if disclosure would reveal his own misconduct—Whether payment made due to mistake of fact induced by employee's breach of duty and therefore recoverable. **Sybron Corp v Rochem Ltd** [1983] 2 707, CA.

MAJORITY VERDICT

Jury. *See* **Jury** (Majority verdict).

MALE PROSTITUTION

Living on earnings of male prostitution. *See* **Criminal law** (Prostitution—Living on earnings of prostitution—Male prostitution).

MANSLAUGHTER

Causing death by reckless driving. *See* **Road traffic** (Reckless driving—Causing death by reckless driving).

Generally. *See* **Criminal law** (Manslaughter).

MAREVA INJUNCTION

See **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction).

MARINE INSURANCE

Lloyd's SG form—

Proper law of contract. *See* **Conflict of laws** (Contract—Proper law of contract—Insurance policy—Lloyd's SG form).

MARINE INSURANCE (cont)
Perils insured against—
Piracy—
Riot—Ship's equipment stolen when ship anchored within port limits—Thieves using or threatening to use force to make good escape after theft—Whether theft arising from act of piracy or a riot. **Athens Maritime Enterprises Corp v Hellenic Mutual War Risks Association (Bermuda) Ltd, The Andreas Lines** [1983] 1 590, QBD.
Riot—
Piracy. *See* Perils insured against—Piracy—Riot, *ante*.
Taking at sea—
Loss of cargo—Lloyd's SG policy—Shipowner and captain diverting ship to unauthorised port and off-loading most of cargo—Off-loaded cargo fraudulently sold to third party—Ship taken out to sea and scuttled with remainder of cargo—Whether diversion of ship to unauthorised port a 'taking at sea'—Whether off-loading in port a 'taking at sea'—Whether diversion of ship and off-loading of cargo a deemed barratry—Whether loss of remainder of cargo when ship scuttled caused by 'perils' of the sea. **Shell International Petroleum Co Ltd v Gibbs, The Salem** [1983] 1 745, HL.

MARINER
Will. *See* **Will** (Soldier's or mariner's privileged will).

MARRIAGE
Dissolution. *See* **Divorce**.

MASSAGE PARLOUR
Offering sexual services—
Whether a 'brothel'. *See* **Criminal law** (Brothel—Keeping a brothel—Meaning of brothel—Massage parlour offering sexual services not including full sexual intercourse).

MASTER
Chancery Division—
Chambers proceedings—
Masters' powers. *See* **Practice** (Chambers proceedings—Masters' powers).

MASTER AND SERVANT
Contract of service—
Distinction between contract of service and contract for services—
Whether issue of law or mixed fact and law—Jurisdiction of Employment Appeal Tribunal—Employment Protection (Consolidation) Act 1978, ss 136(1), 153(1). **O'Kelly v Trusthouse Forte plc** [1983] 3 456, CA.
Incidents of contract—
Methodist minister dismissed by the Church after disciplinary hearing—Minister alleging unfair dismissal—Whether contract between minister and Church—Whether contract of service—Whether industrial tribunal having jurisdiction to hear minister's complaint—Employment Protection (Consolidation) Act 1978. **President of the Methodist Conference v Parfitt** [1983] 3 747, CA.
Proper law. *See* **Conflict of laws** (Contract—Proper law of contract—Contract of employment).
Duty of servant—
Disclosure of fraudulent misconduct—
Employee acting fraudulently in conjunction with subordinate employees to detriment of employer—Employee obtaining discretionary pension benefits on retiring before fraud discovered—Payment would not have been made if employer had known of fraud—Whether employee under duty to disclose his misconduct to employer—Whether employee under duty to disclose misconduct of others if disclosure would reveal his own misconduct—Whether payment made due to mistake of fact induced by employee's breach of duty and therefore recoverable. **Sybron Corp v Rochem Ltd** [1983] 2 707, CA.
Unfair dismissal. *See* **Unfair dismissal**.

MATRIMONIAL HOME
Divorce—
Property adjustment order. *See* **Divorce (Property—Adjustment order)**.
Generally. *See* **Husband and wife** (Matrimonial home).
Injunction—
Exclusion of party from matrimonial home. *See* **Injunction** (Exclusion of party from matrimonial home).

MATRIMONIAL PROCEEDINGS
Welfare report—
Child—
Practice. *See* **Child** (Welfare—Welfare report).

MEASURE
Generally. *See* **Weights and measures**.

MEASURE OF DAMAGES
Conversion. *See* **Conversion** (Damages—Measure of damages).
Generally. *See* **Damages** (Measure of damages).

MEDICAL PRACTITIONER
Negligence—
Conformity with practices accepted as proper by responsible members of profession—
Unsuccessful operation—Operation departing from orthodox course of treatment—Plaintiff left disabled—Onus of proof shifting to defendants to prove departure from established practice not a breach of duty—Onus of proof on defendants to prove that plaintiff's injuries not caused by breach of duty—Whether defendants negligent. **Clark v Maclennan** [1983] 1 416, QBD.
Duty to exercise reasonable skill and care. *See* **Negligence** (Professional person—Duty to exercise reasonable skill and care).

MEDICAL PRACTITIONER (cont)
Negligence (cont)—
Test of liability—
Risk of misfortune inherent in treatment proposed by doctor—Doctor's duty to warn of inherent risk of misfortune—Operation to cure neck deformity resulting in patient's complete paralysis—Patient electing to have operation—Inherent risk of paralysis following operation—Whether standard of care required of doctor in giving advice before operation the same as that normally required of medical practitioners in course of diagnosis and treatment—Whether higher standard requiring full disclosure to patient before operation of all details and risks. **Hills v Potter** [1983] **3** 716, QBD.
Unwanted pregnancy—
Damages. *See* **Damages** (Unwanted pregnancy—Negligence).
Trespass to the person—
Consent to medical treatment—
Prison—Prison medical officer administering drug to prisoner—Prisoner contending that drug administered by force without his consent—Whether medical officer acting as disciplinarian and not in capacity as doctor—Whether prisoner's consent required to be informed consent—Whether sufficient that prisoner consenting in broad terms. **Freeman v The Home Office** [1983] **3** 589, QBD.
Consent to operation—
Operation to cure neck deformity resulting in patient's complete paralysis—Patient electing to have operation—Inherent risk of paralysis following operation—Doctor not explaining all aspects of operation to patient before operating—Whether patient's consent to operation vitiated—Whether doctor committing assault and battery by performing operation—Whether claim for assault and battery appropriate. **Hills v Potter** [1983] **3** 716, QBD.

MEDICINE
Drugs. *See* **Drugs**.

MEN AND WOMEN
Discrimination—
Generally. *See* **Sex discrimination**.

MENTAL HEALTH
Court of Protection—
Practice—
Costs—Solicitor's costs—Fixed costs. **Practice Direction** [1983] **3** 192, Ct of Protection.
Execution of will. *See* Patient's property—Execution of will, *post*.
Criminal law—
Defence of automatism. *See* **Criminal law** (Automatism).
Epilepsy—
Criminal law—
Defence—Insanity or automatism. *See* **Criminal law** (Automatism—Insanity distinguished—Epileptic seizure).
Hospital order—
Criminal proceedings. *See* **Sentence** (Hospital order).
Patient's property—
Execution of will—
Application—Parties—Evidence—Evidence of lack of testamentary capacity—Execution and attestation—Evidence of patient's domicile and situation of immovable property affected by proposed will—Mental Health Act 1983, ss 96(4), 97—Court of Protection Rules 1982, r 21. **Practice Direction** [1983] **3** 255, Ct of Protection.
Gift—
Application to court for order etc—Application normally to be heard and determined by master—Parties—Evidence—Mental Health Act 1983, s 96(1)(*d*)—Court of Protection Rules 1982, rr 21, 45. **Practice Direction** [1983] **3** 255, Ct of Protection.
Settlement—
Application to court for order etc—Application normally to be heard and determined by master—Parties—Evidence—Mental Health Act 1983, s 96(1)(*d*)—Court of Protection Rules 1982, rr 21, 45. **Practice Direction** [1983] **3** 255, Ct of Protection.

MERCHANT SHIPPING
See **Shipping**.

MERGER
Monopolies and Mergers Commission—
Reference. *See* **Monopolies and mergers**.

METHODIST MINISTER
Dismissal—
Complaint of unfair dismissal—
Whether contract between minister and Church. *See* **Master and servant** (Contract of service—Incidents of contract—Methodist minister dismissed by the Church after disciplinary hearing—Minister alleging unfair dismissal).

MINING
Coal mining. *See* **Coal mining**.

MINOR
Care—
Local authority. *See* **Child** (Care—Local authority).
Custody—
Access—
Divorce proceedings. *See* **Divorce** (Custody).
Funds in court—
County court—
Transfer of funds to High Court. *See* **Practice** (Funds in court—Transfer to High Court from county court—Minors' funds).

MINOR (cont)
Guardian—
Guardian's allowance. *See* **Social security** (Guardian's allowance).
Guardianship—
Removal of minor from jurisdiction. *See* Removal outside jurisdiction, *post*.
Maintenance—
Education or training—
Maintenance order including element in respect of school fees—Provision for automatic adjustment to allow for increase in fees—Amount paid direct to school—Tax relief—Form of order—Contract for child's education to be between child and school—Form of contract. **Practice Direction** [1983] **2** 679, FamD.
Practice—
Welfare report—
Family Division. *See* **Child** (Welfare—Welfare report).
Removal outside jurisdiction—
Injunction—
Notification to Passport office. **Practice Direction** [1983] **2** 253, FamD.

MISREPRESENTATION
Agent—
Liability—
Agent's liability for misrepresentation inducing another to enter into contract—Whether liability for agent's misrepresentation attaching to principal only—Whether agent personally liable to innocent party for misrepresentation—Misrepresentation Act 1967, s 2(1). **Resolute Maritime Inc v Nippon Kaiji Kyokai** [1983] **2** 1, QBD.

MISTAKE
Magistrates—
Reopening case to rectify mistake etc—
Jurisdiction. *See* **Magistrates** (Jurisdiction—Reopening case to rectify mistake etc).
Mistake of fact—
Common mistake—
Plaintiff buying drawing believed to be original—Drawing discovered to be reproduction ten years after purchase—Whether plaintiff's claim for rescission time-barred—Whether plaintiff could 'with reasonable diligence' have discovered the mistake six years prior to institution of proceedings—Limitation Act 1980, s 32(1)(*c*). **Peco Arts Inc v Hazlitt Gallery Ltd** [1983] **3** 193, QBD.
Money paid under mistake of fact—
Employment—Employee acting fraudulently in conjunction with other employees to detriment of employer—Employee obtaining discretionary pension benefits on retiring before fraud discovered—Payment would not have been made if employer had known of fraud—Whether payment recoverable as money paid under mistake of fact induced by employee's breach of duty to disclose his or others' fraud. **Sybron Corp v Rochem Ltd** [1983] **2** 707, CA.
Recovery of money paid—
Estoppel. *See* **Estoppel** (Representation—Mistake—Payment of money).
Nature of mistake—
Mistake of law or of fact—Burden of proof—Overpayment of salary by mistake—Action by employer to recover money overpaid—Overpayment recoverable only if paid under mistake of fact—Burden of proof that money paid under mistake of fact lying on employer. **Avon CC v Howlett** [1983] **1** 1073, CA.
Valuation. *See* **Valuer** (Valuation—Mistake).

MISUSE OF DRUGS
Generally. *See* **Drugs**.

MODERN UNIVERSITY
Visitor—
Generally. *See* **University** (Visitor—Modern university).

MONEY
Building society. *See* **Building society**.
Mistake—
Money paid under mistake of fact. *See* **Mistake** (Mistake of fact—Money paid under mistake of fact).
Recovery of money paid by mistake—
Generally. *See* **Mistake** (Recovery of money paid).

MONOPOLIES AND MERGERS
Report of Monopolies and Mergers Commission—
Order of Secretary of State on merger reference—
Discretion of Secretary of State—Reference of takeover bid to Monopolies and Mergers Commission—Majority report by commission that takeover against public interest—Commission's recommendation overruled by Secretary of State—Whether Secretary of State entitled to permit takeover—Fair Trading Act 1973, s 73(2)(3). **R v Secretary of State for Trade, ex p Anderson Strathclyde plc** [1983] **2** 233, QBD.

MORTGAGE
Sale—
Duty of mortgagee—
Standard of duty in exercising power of sale—Duty to take reasonable care to obtain price equal to market value—Sale by auction—Sale to company in which mortgagee has an interest—Reserve price fixed by mortgagee—Advertisements announcing bare fact of auction with minimum description of property—Conditions of sale containing bare legal requirements—Mortgagee not obtaining expert or independent advice about sale—Property purchased by family company of mortgagee for reserve price—No competitive bidding at auction—Mortgagee providing interest-free loan to company to enable it to purchase property—Whether sale valid. **Tse Kwong Lam v Wong Chit Sen** [1983] **3** 54, PC.

MOTION
Practice. *See* **Practice** (Motion).

MOTOR INSURANCE
Rights of third parties against insurer—
Motor Insurers' Bureau—
Liability of bureau to satisfy judgment against uninsured driver—Liability required to be covered by insurance—Owner of vehicle permitting another person to drive it—Permitted driver injured whilst using vehicle because of defective brakes—Permitted driver obtaining judgment for damages for negligence against owner—Owner unable to satisfy judgment—Owner not insured—Whether Motor Insurers' Bureau obliged to satisfy judgment—Whether owner's liability to driver requried to be covered by insurance—Whether injury to permitted driver an injury to 'any person ... arising out of' use of vehicle—Road Traffic Act 1972, ss 143(1), 145(3)(*a*)—Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement, cl 2. **Cooper v Motor Insurers' Bureau** [1983] 1 353, QBD.

MOTOR INSURERS' BUREAU
Rights of third parties against insurers. *See* **Motor insurance** (Rights of third parties against insurers—Motor Insurers' Bureau).

MOTOR VEHICLE
Heavy motor car. *See* **Road traffic** (Heavy motor car).
Insurance. *See* **Motor insurance**.
Taking vehicle without authority. *See* **Road traffic** (Taking vehicle without authority).

MOTORING OFFENCES
See **Road traffic**

MUSIC
Licence. *See* **Entertainment** (Music and dancing licence).

NATIONAL HEALTH SERVICE
Reorganisation—
Transfer from local authorities to Minister of property held by local authorities for their former health functions—
Determination of question whether immediately before 1 April 1974 property was held for health functions of a local authority—Question to be determined by 'the local authority' in which property was vested immediately before 1 April 1974—Whether determination can be made after appointed day—Whether determination can be made by local authority which only came into existence after appointed day under reorganisation of local government—National Health Service Reorganisation Act 1973, s 16(1)(2)—National Health Service (Transferred Local Authority Property) Order 1974, art 3(1). **Sheffield Area Health Authority v Sheffield City Council** [1983] 2 384, QBD.

NATIONAL HOUSE-BUILDING COUNCIL
Guarantee required by council—
Construction. *See* **Guarantee** (Construction—Guarantee by housebuilding company's directors to National House-Building Council).

NATIONAL INSURANCE
Supplementary benefit. *See* **Supplementary benefit**.

NATIONAL SAVINGS
National Savings Bank investment deposit account—
Attachment of money in judgment debtor's account. *See* **Execution** (Attachment of money payable by Crown to judgment debtor—Jurisdiction—National Savings Bank investment deposit account).

NATURAL JUSTICE
Hearing—
Duty to hear parties, etc—
Hong Kong Immigration Authority—Illegal immigrant—Government announcement that each illegal immigrant's case would be dealt with on its own merits—Order made for removal of applicant as an illegal immigrant without giving him a hearing—Whether announcement creating legitimate or reasonable expectation of a hearing—Whether applicant entitled to hearing before removal. **Attorney General of Hong Kong v Ng Yuen Shiu** [1983] 2 346, PC.
Trade union—
Termination of membership. *See* **Trade union** (Membership—Termination of membership).

NAVIGATION
Negligent navigation—
Exemption clause in time charter—
Construction. *See* **Shipping** (Exceptions—Negligent navigation).
Public right of navigation—
Interference—
Public nuisance. *See* **Water and watercourses** (Navigation—Public right of navigation—Public nuisance).

NEGLECT
Nuisance. *See* **Nuisance** (Neglect).

NEGLIGENCE
Advice. *See* Information or advice, *post*.
Auditor—
Information or advice—
Knowledge third party might rely on information. *See* **Negligence** (Information or advice—Knowledge third party might rely on information—Auditor).
Damages—
Fatal accident. *See* **Fatal accident** (Damages).
Measure of damages. *See* **Damages** (Measure of damages—Negligence).

Duty to take care—

Act of third party—

Duty of owner of building to occupier of adjoining building in respect of act of third party—Thieves gaining access to defendants' unoccupied and unsecured premises—Thieves then making hole in common wall between defendants' and plaintiffs' premises in order to steal from plaintiffs—Whether defendants owing duty to plaintiffs to act positively to prevent third party entering defendants' premises—Whether defendants liable for plaintiffs' loss. **P Perl (Exporters) Ltd v Camden London BC** [1983] 3 161, CA.

Driver of motor vehicle—

Police officer—Police officer pursuing person attempting to avoid arrest for arrestable offence—Extent of policeman's duty of care to that person. **Marshall v Osmond** [1983] 2 225, CA.

Extent of duty to contractor—

Equipment provided for contractor—Duty to exercise care and control over equipment—Owner providing scaffolding for contractor—Scaffolding made a danger by unknown person—Planks on scaffolding collapsing under contractor's weight—Contractor injured in subsequent fall—Res ipsa loquitur—Whether owner discharging duty of care—Whether contractor contributorily negligent. **Kealey v Heard** [1983] 1 973, QBD.

Persons to whom duty owed—

Owner of building—Duty to occupier of adjoining building in respect of acts of third party. *See* Duty to take care—Act of third party—Duty of owner of building to occupier of adjoining building in respect of act of third party, *ante*.

Police driver. *See* Duty to take care—Driver of motor vehicle—Police officer, *ante*.

Professional person—

Exercise of reasonable skill and care. *See* Professional person—Duty to exercise reasonable skill and care, *post*.

Railway—

Duty to fence railway line—Entrant taking short cut through gap in fence—Entrant familiar with line and aware of dangers—Whether occupier owing entrant duty to repair fence—Occupiers' Liability (Scotland) Act 1960, s 2(1). **Titchener v British Rlys Board** [1983] 3 770, HL.

Safety rules—

Coal mine—Rules prohibiting employees riding on conveyors—Practice of employees to ride conveyors in breach of rules—Whether employers negligent in failing to prevent employees from doing what employees knew to be prohibited and unsafe. **Storey v National Coal Board** [1983] 1 375, QBD.

Statutory powers—

Act performed in exercise of power—Local authority—Coast protection authority—Authority lowering groyne in purported exercise of statutory power—Landowner's property adjoining groyne subsequently washed away—Landowner claiming loss of land due to authority's negligence—Whether authority owing duty of care to landowner at common law—Whether authority could be liable for loss of land. **Fellowes v Rother District Council** [1983] 1 513, QBD.

Act performed in exercise of statutory powers—Local authority—Building operations—Duty of care owed to building owner—Duty of care to supervise building works—Developer employing builder to erect building—Local authority inspector inspecting foundations—Inspector's instructions regarding depth of foundations carried out—Instructions not complying with building regulations—Foundations inadequate for site—Subsequent damage occurring to building after occupation—Whether local authority owing duty of care to building owner—Whether negligence of building owner the source of his own loss—Whether building owner's opportunities for inspection and control removing him from scope of local authority's duty of care. **Acrecrest Ltd v W S Hattrell & Partners** [1983] 1 17, CA.

Compliance with statutory requirements—Building operations—Duty of care owed to building owner—Building owner not adhering to approved plans for drainage system—Local authority aware of building owner's non-compliance with its requirements but taking no action to enforce compliance—Drainage system proving defective—Building owner suffering loss by having to replace drains—Whether local authority owing duty of care to building owner to force him to comply with its requirements—London Building Act 1963, Sch 9, Part III paras 13, 15. **Governors of Peabody Donation Fund v Sir Lindsay Parkinson & Co Ltd** [1983] 3 417, CA.

Compliance with statutory requirements—Non-compliance with statutory requirements—Whether duty to prevent person acting unlawfully to his own detriment. **Governors of Peabody Donation Fund v Sir Lindsay Parkinson & Co Ltd** [1983] 3 417, CA.

Information or advice—

Knowledge third party might rely on information—

Auditor—Preparation of company's accounts—Duty to prospective investor—Auditor negligent in preparing accounts—Auditor aware when preparing accounts that company requiring outside fin ncial support—Accounts made available to plaintiffs—Plaintiffs taking over company—Whether plaintiffs incurring loss because of reliance on accounts. **JEB Fasteners Ltd v Marks, Bloom & Co (a firm)** [1983] 1 583, CA.

Limitation of action—

Accrual of cause of action. *See* **Limitation of action** (When time begins to run—Actions in tort—Accrual of cause of action—Negligence).

Local authority—

Duty of care in exercising statutory powers. *See* Duty to take care—Statutory powers—Act performed in exercise of powers—Local authority, *ante*.

Medical practitioner—

Generally. *See* **Medical practitioner** (Negligence).

Navigation—

Exemption clause in time charterparty—

Construction. *See* **Shipping** (Time charterparty—Exceptions—Negligent navigation).

Occupier. *See* **Occupier's liability.**

Professional person—

Duty to exercise reasonable skill and care—

Proof of negligence—Question for consideration by court—Failure on balance of probabilities to exercise care required of professional person—Whether additional burden of proof on person alleging negligence. **Ashcroft v Mersey Regional Health Authority** [1983] 2 245, QBD.

Medical practitioner. *See* **Medical practitioner** (Negligence).

NEGLIGENCE (cont)
Railway—
Railway line—
Duty to fence. *See* Duty to take care—Railway—Duty to fence railway line, *ante*.
Statutory powers—
Duty to take care. *See* Duty to take care—Statutory powers, *ante*.
Sterlisation operation—
Unwanted pregnancy—
Damages. *See* **Damages** (Unwanted pregnancy—Negligence).
Valuer—
Measure of damages. *See* **Damages** (Measure of damages—Negligence—Valuer).
Volenti non fit injuria—
Knowledge of risk—
Person crossing railway line through gap in fence injured by train—Train not being driven negligently—Entrant fully aware of, and accepting, risks—Whether occupier liable—Occupiers' Liability (Scotland) Act 1960, s 2(3). **Titchener v British Rlys Board** [1983] 3 770, HL.

NEW TENANCY
Business premises. *See* **Landlord and tenant** (Business premises).

NEW ZEALAND
Statute—
Interpretation—
Statute providing that historic articles unlawfully removed 'shall be forfeited' to Her Majesty—Whether goods so removed automatically forfeited on removal from New Zealand—Whether forfeiture dependent on seizure of goods—Whether Crown's title accruing only on seizure—Historic Articles Act 1962 (NZ), s 12(2). **Attorney General for New Zealand v Ortiz** [1983] 2 93, HL.

NEWSPAPER
Contempt of court—
Publications concerning legal proceedings. *See* **Contempt of court** (Publications concerning legal proceedings).
Libel proceedings—
Qualified privilege—
Common law privilege. *See* **Libel and slander** (Qualified privilege—Common law privilege—Report in newspaper).

NON-PATRIAL
Immigration. *See* **Immigration**.

NUISANCE
Defence—
Statutory authority—
Action for damages arising out of construction of ferry terminals in river—Design of terminals causing 75 more siltation than necessary—Local authority constructing terminals under statute authorising it to 'execute ... works'—Whether local authority able to rely on defence of statutory authority in action for nuisance—London County Council (Improvements) Act 1962, ss 17, 50(3)(*a*). **Tate & Lyle Industries Ltd v Greater London Council** [1983] 1 1159, HL.
Action for damages for nuisance arising from escape of water from burst water main under street—Water main laid by water authority under statutory duty to supply water—Street authority claiming cost of repairs to street from water authority—Whether water authority liable for nuisance caused without negligence—Public Utilities Street Works Act 1950, s 18(2). **Department of Transport v North West Water Authority** [1983] 3 273, HL.
Neglect—
Neglect of house—
Neglect interfering with easement of support—Neglect resulting in loss of support for neighbouring house—Owner of neighbouring house having right to enter neglected house and abate nuisance—Whether owner of neglected house owing duty to neighbour to prevent damage occurring to neighbour's house—Whether right to enter and abate nuisance freeing owner of neglected house from liability to neighbour for nuisance. **Bradburn v Lindsay** [1983] 2 408, ChD.
Public nuisance—
Interference with public right of navigation. *See* Navigation—Public right of navigation—Public nuisance, *ante*.

OBTAINING PECUNIARY ADVANTAGE BY DECEPTION
See **Criminal law** (Obtaining pecuniary advantage by deception).

OBTAINING PROPERTY BY DECEPTION
See **Criminal law** (Obtaining property by deception).

OCCASIONAL LICENCE
Grant. *See* **Licensing** (Occasional licence—Grant).

OCCUPIER
Rateable occupation. *See* **Rates** (Rateable occupation).

OCCUPIER'S LIABILITY
Fire—
Fireman—
Duty of care owed to fireman—Nature of duty—Fireman attending premises to put out fire—Fire caused by occupier's negligence—Fire causing explosion injuring fireman—Likelihood of explosion not unusual in type of fire involved—Whether occupier owing common duty of care to fireman—Whether duty of care to fireman limited to protection from special or exceptional risks—Occupiers' Liability Act 1957, s 2. **Salmon v Seafarer Restaurants Ltd (British Gas Corp, third party)** [1983] 3 729, QBD.
Railway—
Duty to fence railway line. *See* **Negligence** (Duty to take care—Railway—Duty to fence railway line).

OFF-LICENCE
Grant. *See* **Licensing** (Licence—Grant—Off-licence).
Renewal. *See* **Licensing** (Licence—Renewal—Off-licence).

OFFENSIVE TRADES
See **Public health** (Offensive trades).

OFFENSIVE WEAPONS
See **Criminal law** (Offensive weapons).

OFFER
Contract. *See* **Contract** (Offer and acceptance).

OFFICIAL SOLICITOR
Costs. *See* **Costs** (Official Solicitor).

OPTION
Option to purchase—
Exercise of option—
Deposit—Provision for payment of deposit to purchaser on exercising option—Purchaser exercising option but inadvertently failing to pay deposit—Whether vendor entitled to cancel option agreement—Whether vendor required to give purchaser opportunity to pay deposit before cancelling agreement. **Millichamp v Jones** [1983] 1 267, ChD.

ORDER
Judgment. *See* **Judgment**.

ORIGINATING SUMMONS
Issue—
Issue out of central office—
Application by post—Practice. *See* **Practice** (Chancery Division—Applications by post or telephone).

PARENT
Guardian's allowance—
Meaning of 'parent' for purpose of guardian's allowance. *See* **Social security** (Guardian's allowance—Persons entitled to allowance—Parent of child not entitled to allowance—Meaning of 'parent').

PARLIAMENT
Election. *See* **Elections** (Parliamentary).

PARTIES
Civil proceedings. *See* **Practice** (Parties).

PASSENGER
Aircraft—
Carriage. *See* **Carriage by air** (Carriage of passengers).

PASTORAL SCHEME
Appeal. *See* **Ecclesiastical law** (Appeal—Pastoral scheme).

PATENT
Practice—
Proceedings for infringement or revocation of patent—
Summons for directions—Application by post or telephone. *See* **Practice** (Chancery Division—Applications by post or telephone).

PATIENT
Mental. *See* **Mental health**.

PAY AS YOU EARN
See **Income tax** (Pay as you earn system).

PAYMENT INTO COURT
Generally. *See* **Practice** (Payment into court).
Investment of funds—
Practice. *See* **Practice** (Funds in court—Investment of funds in court).

PEACEFUL PICKETING
Generally. *See* **Trade dispute** (Picketing).

PENALTY
Contract. *See* **Contract** (Penalty).

PENALTY POINTS
Road traffic offences. *See* **Road traffic** (Penalty points).

PENDING ACTION
Land action—
Vacation of entry in land register. *See* **Land charge** (Vacation of entry in register—Pending action).

PERSONAL INJURIES
Compensation—
Crime—
Compensation order. *See* **Sentence** (Compensation—Order—Compensation for personal injury, loss or damage resulting from the offence).
Damages—
Generally. *See* **Damages** (Personal injury).
Interest. *See* **Interest** (Damages—Personal injury).

PERSONAL INJURIES (cont)
Limitation of action—
Court's power to override time limit. *See* **Limitation of action** (Court's power to override time limit in personal injury or fatal accident claim).

PETITION
House of Lords—
Leave to appeal. *See* **House of Lords** (Leave to appeal—Petition for leave to appeal).

PETROL FILLING STATION
Solus agreement—
Restraint of trade. *See* **Restraint of trade by agreement** (Petrol filling station—Solus agreement).

PICKETING
Peaceful picketing—
Generally. *See* **Trade dispute** (Picketing).

PLANNING
Town and country planning. *See* **Town and country planning.**

PLEA
Criminal trial. *See* **Criminal law** (Trial—Plea).

PLEADING
Interest—
Practice. *See* **Practice** (Interest—Pleading).

POLICE
Arrest without warrant. *See* **Arrest** (Arrest without warrant).
Complaint against police—
Police Complaints Board—
Discharge of board's functions—Board required to 'have regard' to guidance given by Secretary of State—Secretary of State's guidance stating that disciplinary proceedings should not be taken if Director of Public Prosecutions decided that evidence against police officer was insufficient for criminal prosecution—Whether board bound to comply with Secretary of State's guidance—Whether board abdicating statutory function by not considering complaint if DPP decided not to prosecute—Whether board unlawfully fettering its discretion—Police Act 1976, s 3(2). **R v Police Complaints Board, ex p Madden, R v Police Complaints Board, ex p Rhone** [1983] **2** 353, QBD.
Constable—
Arrest without warrant by. *See* **Arrest** (Arrest without warrant—Constable).
Obstructing constable in execution of his duty. *See* **Criminal law** (Obstructing constable in execution of duty).
Negligence—
Duty to take care—
Police driver pursuing person attempting to avoid arrest for arrestable offence. *See* **Negligence** (Duty to take care—Driver of motor vehicle—Police officer).
Powers—
Search. *See* Right of search, *post*.
Right of search—
Arrested person—
Extent of right of search—Whether general right of search—Whether reason for search required to be given—Police Act 1964, s 51(1). **Brazil v Chief Constable of Surrey** [1983] **3** 537, QBD.

POLICE COMPLAINTS BOARD
Investigation of complaint against officer. *See* **Police** (Complaint against police—Police Complaints Board).

POSSESSION
Land—
Summary proceedings to recover possession. *See* **Land** (Summary proceedings for possession).

POST OFFICE
Registered postal packet—
Carriage overseas—
Carriage by air—Carriage of postal packet by agent of Post Office—Statutory immunity of Post Office and persons engaged in carriage of mail 'proceedings in tort' for loss or damage to post—Statutory liability imposed specifically on carriers of goods by air—Whether statutory liability prevailing over vicarious immunity of carrier—Whether 'proceedings in tort' including statutory liability—Carriage by Air Act 1961, Sch 1, art 18—Post Office Act 1969, s 29. **American Express Co v British Airways Board** [1983] **1** 557, QBD.
Liability in bailment—Carriage of postal packet overseas by agent of Post Office—Packet stolen while in custody of agents—Statutory immunity of Post Office and persons engaged in carriage of mail from 'proceedings in tort' for loss or damage to post—Whether 'proceedings in tort' including action in bailment—Post Office Act 1969, s 29. **American Express Co v British Airways Board** [1983] **1** 557, QBD.

POSTDATED CHEQUE
Obtaining property by deception. *See* **Criminal law** (Obtaining property by deception—Deception—Cheque—Postdated cheque).

PRACTICE
Acknowledgment of service—
Use of post—
Chancery Division. *See* Chancery Division—Applications by post or telephone, *post*.
Affidavit—
Court of Appeal and High Court—
Marking—Binding—Sequence—Pagination—Copies—Bundles of documents generally—Effect of failure to comply with rules—RSC Ord 41. **Practice Note** [1983] **3** 33, CA.

PRACTICE (cont)
Amendment—
Judgment or order—
Correction of accidental slip or omission. *See* **Judgment** (Order—Correction—Accidental slip or omission).
Appeal—
Appeal to Court of Appeal—
Dismissal of appeal. *See* **Court of Appeal** (Appeal—Dismissal).
Estimate of length of hearing. *See* **Court of Appeal** (Appeal—Estimate of length of hearing).
Generally. *See* **Court of Appeal** (Practice).
Presentation of appeal—Civil Division. *See* **Court of Appeal** (Practice—Civil Division—Presentation of appeals).
Immigration appeal. *See* **Immigration** (Appeal—Evidence).
Arbitration. *See* **Arbitration** (Practice).
Chambers proceedings—
Appeal from master—
Appeal to judge in chambers—Procedure—RSC Ord 58, r 1. **Practice Direction** [1983] **1** 131, ChD.
Communications by post or telephone—
Chancery Division. *See* Chancery Division—Applications by post or telephone, *post*.
Master's powers—
Monetary limit—Increase of limit. **Practice Direction** [1983] **1** 131, ChD.
Queen's Bench Division—
Chambers applications and appeals—Inter partes applications and appeals and ex parte applications—Listing—General list—Special appointments—Procedure—Papers for perusal by judge—Affidavits in support of ex parte applications—RSC Ord 29, r 1. **Practice Note** [1983] **1** 1119, QBD.
Chancery Division—
Affidavit—
Office copies—Office copies of affidavits normally no longer required. **Practice Direction** [1983] **1** 131, ChD.
Applications by post or telephone—
Applications which may be made by post or telephone—Issue of writ or originating process—Acknowledgment of service—Issue of summons—Agreed orders—Appeals from masters—Adjournment by consent—Legal aid taxation—Documents—Filing—Office copies—Drawing up of orders. **Practice Direction** [1983] **2** 541, ChD.
Documents—
Filing by post. *See* Chancery Division—Applications by post or telephone, *ante*.
Hearings by judges outside London—
Interlocutory applications. *See* Chancery Division—Interlocutory applications—Causes or matters outside London, *post*.
Interlocutory applications—
Causes or matters outside London. **Practice Direction.** [1983] **3** 544, ChD.
Legal aid certificates—
Lodgment of copies in chambers. *See* Chancery Division—Applications by post or telephone, *ante*.
Lists—
Revision of system of listing causes and matters. *See* Chancery Division—Revision of system for listing causes and matters, *post*.
Masters' powers. *See* Chambers proceedings—Masters' powers, *ante*.
Non-witness list—
New system. *See* Chancery Division—Revision of system for listing causes and matters, *post*.
Revision of system for listing causes and matters—
Consolidation of former directions. **Practice Direction** [1983] **1** 1145, ChD.
Sale of land by court. *See* **Sale of land** (Sale by court).
Short Probate List—
New system. *See* Chancery Division—Revision of system for listing causes and matters, *post*.
Telephone—
Applications by telephone. *See* Chancery Division—Applications by post or telephone, *ante*.
Witness list—
Revision of system. *See* Chancery Division—Revision of system for listing causes and matters, *ante*.
Chancery Division—Summons for directions. *See* Summons for directions—Chancery Division, *post*.
Charging order. *See* **Execution** (Charging order).
Children—
Welfare report. *See* **Child** (Welfare—Welfare report).
Conduct of proceedings—
Access to confidential information—
Plaintiffs applying for Anton Piller order against defendants—Judge given confidential information which was not revealed to defendants—Whether judge should be given information which could not be disclosed to defendants at a later stage—Whether defendants' solicitors can be excluded from access to information disclosed to court. **WEA Records Ltd v Visions Channel 4 Ltd** [1983] **2** 589, CA.
Contempt of court—
Application for release of contemnor. *See* **Contempt of court** (Release of contemnor—Application for release of contemnor).
Publications concerning legal proceedings—
Order for postponement of publication. *See* **Contempt of court** (Publications concerning legal proceedings—Postponement of publication).
Correction of name of party after expiry of limitation period. *See* Parties—Correction of name of party after expiry of limitation period, *post*.
Costs—
Arbitration proceedings. *See* **Arbitration** (Costs).
County court. *See* **County court** (Costs).
Court of Protection. *See* **Mental health** (Court of Protection—Practice—Costs).

Costs (cont)—

Generally. *See* **Costs.**

Court of Appeal—

Civil Division—

Dismissal of appeal. *See* **Court of Appeal** (Appeal—Dismissal).

Generally. *See* **Court of Appeal** (Practice).

Presentation of appeal. *See* **Court of Appeal** (Practice—Civil Division—Presentation of appeals).

Court of Protection. *See* **Mental health** (Court of Protection—Practice).

Crown Office list—

Applications outside London—

Urgent matters—Proceedings to be continued in London. **Practice Note** [1983] **2** 1020, QBD.

Uncontested proceedings. *See* Uncontested proceedings—Crown Office list, *post*.

Discovery. *See* **Discovery.**

Dismissal of action as abuse of process of court. *See* **Action** (Dismissal—Abuse of process of court).

Dismissal of action for want of prosecution—

Delay—

Delay in delivering statement of claim—Plaintiff applying for interlocutory relief before serving statement of claim and obtaining undertakings from defendant until trial of action—Plaintiff failing to serve statement of claim within prescribed time—Defendant applying for order to dismiss action—Whether mere failure to observe time limit in rules equivalent to disobedience of peremptory order—Whether court can dismiss action for failure to serve statement of claim in time without considering nature of delay—Whether court should dismiss action where delay inordinate and inexcusable but not contumelious and plaintiff likely to issue fresh writ within limitation period—RSC Ord 18, r 1, Ord 19, r 1. **Greek City Co Ltd v Demetriou (trading as Spectron Electronics); Greek City Co Ltd v Athanasiou (trading as Alpha Alpha Electrical Contractors)** [1983] **2** 921, ChD.

Divorce—

Generally. *See* **Divorce** (Practice).

Document—

Court of Appeal and High Court—

Marking—Binding—Sequence—Pagination—Copies—Bundles of documents generally—Effect of failure to comply with rules—RSC Ord 41. **Practice Note** [1983] **3** 33, CA.

Evidence—

Expert evidence—

Disclosure to other parties—Time for disclosure—Personal injuries action—Non-medical expert's reports—Court ordering disclosure of reports—Whether disclosure should be mutual—Whether court may order one party to disclose his expert's report first—RSC Ord 38, r 37. **Kirkup v British Rail Engineering Ltd** [1983] **3** 147, CA.

Ex parte application—

Duty of applicant—

Duty to be candid with court—Extent of duty. **Re a debtor (No 75N of 1982, Warrington), ex p the debtor v National Westminster Bank plc** [1983] **3** 545, ChD.

Execution. *See* **Execution.**

Exhibits—

Court of Appeal and High Court—

Marking—Binding—Sequence—Pagination—Copies—Bundles of documents generally—Effect of failure to comply with rules—RSC Ord 41. **Practice Note** [1983] **3** 33, CA.

Family Division—

Matrimonial causes—

Matrimonial home—Generally. *See* **Husband and wife** (Matrimonial home).

Sale of land by court. *See* **Sale of land** (Sale by court).

Welfare report on child. *See* **Child** (Welfare—Welfare report).

Funds in court—

Investment of funds in court—

Payments to be placed to deposit account and not short-term investment account—Deposit rate—Payment of deposit interest—Short-term investment account only available for money held in court for benefit of successful plaintiffs under disability—Payments to which new rules apply—Supreme Court Funds (Amendment) Rules 1983—County Court Funds (Amendment) Rules 1983. **Practice Direction** [1983] **1** 928, LC.

Transfer to High Court from county court—

Minors' funds—Procedure—County Courts Act 1959, s 174A—Supreme Court Funds Rules 1975, r 22(4). **Practice Direction** [1983] **1** 800, QBD.

Transfer to short-term investment account—

Revocation of earlier direction—Supreme Court Funds (Amendment) Rules 1983. **Practice Direction** [1983] **2** 35, QBD.

Hearing—

Court of Appeal, Civil Division. *See* **Court of Appeal** (Practice—Hearing).

House of Lords. *See* **House of Lords.**

Inspection of property—

Property subject-matter of action or in respect of which question arising—

Interlocutory motion—Ex parte application—Appeal against order—Writ claiming injunctions to restrain defendants from producing or selling copies of films and video tapes—Judge granting injunctions—Defendants complying with order and then subsequently seeking to set aside order—Judge not making order on defendants' motion but granting leave to appeal to Court of Appeal—Whether appeal to Court of Appeal proper course where motion to set aside not heard and determined by judge at first instance—Whether Court of Appeal will hear appeal from ex parte order. **WEA Records Ltd v Visions Channel 4 Ltd** [1983] **2** 589, CA.

Inspection of property (cont)—
Property subject-matter of action or in respect of which question arising (cont)—
Privilege against self-incrimination—Exception to rule against self-incrimination—Proceedings for infringement of copyright or passing off—Defendant ordered to hand over to plaintiff relevant documents—Order executed—Plaintiff intending to rely in copyright proceedings on documents obtained—Risk that documents might incriminate defendant of offence unconnected with copyright proceedings—Whether exception to rule against self-incrimination restricted to excepting self-incrimination of infringement of copyright, passing off or similar offences—Whether defendant entitled to claim privilege against self-incrimination—Supreme Court Act 1981, s 72(1)(2)(*c*)(5)(*b*). **Universal City Studios Inc v Hubbard** [1983] 2 596, ChD.
Undertaking by plaintiffs' solicitors—Extent of undertaking—Customs and Excise Commissioners seeking access to documents and articles held by solicitors under Anton Piller order—Commissioners acting in exercise of power to require furnishing of information or production of documents in connection with supplies of goods or services—Whether plaintiffs' solicitors requiring leave of court before allowing commissioners access to documents or articles—Finance Act 1972, s 35(2). **Customs and Excise Comrs v A E Hamlin & Co (a firm)** [1983] 3 654, ChD.

Interest—
Arbitration award. *See* **Arbitration** (Award—Interest).
Pleading—
Claim—Debt or liquidated sum—Indorsements for interest—Contractual interest—Supreme Court Act 1981, s 35—Bills of Exchange Act 1882—RSC Ord 6, r 2(1)(*b*), Ord 13, r 1(2), Ord 18, r 8, Ord 22, r 1(8). **Practice Direction** [1983] 1 934, QBD.

Interlocutory proceedings—
Applications in Chancery Division. *See* Chancery Division—Interlocutory applications, *ante*.

Interrogatories—
Generally. *See* **Discovery** (Interrogatory).

Judgment—
Generally. *See* **Judgment**.
Summary judgment. *See* Summary judgment, *post*.

Judicial review. *See* **Judicial review**.

Land registration. *See* **Land registration**.

Leave to apply for judicial review. *See* **Judicial review** (Leave to apply for judicial review).

Listing causes and matters—
Chancery Division. *See* Chancery Division—Revision of system for listing causes and matters, *ante*.

Long vacation—
Queen's Bench Division—
Judge in chambers and masters—Service, filing and amendment of pleadings—Summonses issuable without leave returnable before master—Appeals—Marking of applications or appeals as fit for August or vacation—RSC Ord 3, r 3, Ord 18, r 5, Ord 64, r 3. **Practice Note** [1983] 1 1098, QBD.

Matrimonial causes—
Matrimonial home—
Generally. *See* **Husband and wife** (Matrimonial home).

Mental patient—
Execution of will. *See* **Mental health** (Patient's property—Execution of will).

Minors—
Removal outside jurisdiction. *See* **Minor** (Removal outside jurisdiction).

Motion—
Adjournment—
Chancery Division—Agreed adjournment—Procedure. **Practice Direction** [1983] 1 131, ChD.
Listing. *See* Chancery Division—Revision of system for listing causes and matters, *ante*.

Parties—
Correction of name of party after expiry of limitation period—
Leave—Application for leave to substitute name of new party—Whether leave to correct name of party should be given—RSC Ord 20, r 5—CCR Ord 15, r 3. **Evans Construction Co Ltd v Charrington & Co Ltd** [1983] 1 310, CA.
Local authority—
Promotion or protection of interests of inhabitants of their area—Prevention of deliberate contravention of Sunday trading laws—Local authority seeking injunction to restrain trader from acting in contravention of law—Whether authority bound to sue on relation of Attorney General—Whether local authority entitled to obtain injunction in own name—Local Government Act 1972, s 222(1)(*a*)—Shops Act 1950, ss 47, 71(1). **Stoke-on-Trent City Council v B & Q (Retail) Ltd** [1983] 2 787, CA.
Wardship proceedings. *See* **Ward of court** (Practice—Parties to proceedings).

Payment into court—
Investment of money. *See* Funds in court—Investment of funds in court, *ante*.
Withdrawal of payment in—
Costs of action—Defendant withdrawing payment in on ground of change of circumstances—Plaintiff succeeding in action but recovering less than sum previously in court—Defendant seeking costs incurred after date of payment in—Whether fact of payment in should be taken into account in awarding costs of action. **Garner v Cleggs (a firm)** [1983] 2 398, CA.

Post—
Use of postal facilities—
Chancery Division. *See* Chancery Division—Applications by post or telephone, *ante*.

Queen's Bench Division—
Chambers proceedings—
Generally. *See* Chambers proceedings—Queen's Bench Division, *ante*.
Long vacation. *See* Long vacation—Queen's Bench Division, *ante*.

Sale of land—
Sale by court. *See* **Sale of land** (Sale by court).

Security for costs—
Arbitration proceedings. *See* **Arbitration** (Costs—Security for costs).

PRACTICE (cont)
Service—
Substituted service—
Bankruptcy notice. *See* **Bankruptcy** (Bankruptcy notice—Service—Substituted service).
Service out of the jurisdiction—
Action founded on tort committed within jurisdiction—
Negligent decisions by plaintiff company's directors outside jurisdiction—Decisions made on the basis of negligent financial information provided by its agent within jurisdiction—Whether action founded on tort committed within jurisdiction—RSC Ord 11, r 1(1)(*h*). **Multinational Gas & Petrochemical Co v Multinational Gas & Petrochemical Services Ltd** [1983] **2** 563, CA.
Action properly brought against defendant within jurisdiction—
Properly brought—Predominant (but not sole reason) for suing English defendant to enable service of writ on foreign defendant—English defendant unlikely to have funds to satisfy judgment—Plaintiff having good arguable case against English defendant and bringing proceedings in good faith—Whether action properly brought against defendant within jurisdiction—RSC Ord 11, r 1(1)(*j*). **Multinational Gas & Petrochemical Co v Multinational Gas & Petrochemical Services Ltd** [1983] **2** 563, CA.
Land within the jurisdiction—
Action founded on contract and on trust—Settlor conveying land in England to Jersey company—Company undertaking undertaking under declaration of trust to hold land as bare nominee and to account to settlor for proceeds of sale if land sold—Company contracting to sell land—Settlor dying before completion of sale—At company's request bulk of proceeds of sale paid into its bank account in Jersey—Remainder of proceeds held in England—Official Solicitor Solicitor appointed administrator ad colligenda bona—Action in England by Official Solicitor against company—Official Solicitor claiming declaration that proceeds of sale held in trust for settlor's estate—Whether Official Solicitor should be granted leave to serve proceedings on company out of jurisdiction—RSC Ord 11, r 1(1)(*b*)(*e*)(*f*). **Official Solicitor v Stype Investments (Jersey) Ltd** [1983] **1** 629, ChD.
Necessary or proper party to action—
Action properly brought against a person served within the jurisdiction—Person out of jurisdiction a necessary or proper party to action—Foreign defendant having good defence—Action by liquidator against foreign shareholders and directors of company—Shareholders unanimously approving directors' acts—Whether shareholders owing duty of care to creditors—Whether directors' act becoming acts of company—Whether foreign defendants having good defence to action—RSC Ord 11, r 1(1)(*f*). **Multinational Gas & Petrochemical Co v Multinational Gas & Petrochemical Services Ltd** [1983] **2** 563, CA.
Stay of proceedings—
Foreign defendant—
Action in rem—Action by foreign plaintiff against defendant's vessel whilst vessel visiting in English port—Grounds for justifying stay—Proceedings pending in foreign court commenced by defendants—Whether existence of foreign proceedings sufficient ground for granting stay of proceedings—Whether existence of foreign proceedings a factor to be taken into account in weighing balance of convenience. **The Abidin Daver** [1983] **3** 46, CA.
Substituted service—
Bankruptcy notice. *See* **Bankruptcy** (Bankruptcy notice—Service—Substituted service).
Generally. *See* Service—Substituted service, *ante*.
Summary judgment—
Leave to defend—
Appeal—Judge giving plaintiffs leave to sign judgment in respect of part of claim but granting defendants unconditional leave to defend as to remainder of claim—Grounds on which Court of Appeal will interfere with exercise of judge's discretion—RSC Ord 14, rr 3, 4. **Lloyds Bank plc v Ellis-Fewster** [1983] **2** 424, CA.
Appeal—Whether appeal a rehearing—Whether Court of Appeal restricted to reviewing judge's exercise of discretion—RSC Ord 14, r 3(1). **European Asian Bank AG v Punjab & Sind Bank** [1983] **2** 508, CA.
Summary proceedings—
Possession of land. *See* **Land** (Summary proceedings for possession).
Summons—
Chancery Division—
Adjournment of summons—Application by post. *See* Chancery Division—Applications by post or telephone, *ante*.
Chambers summons adjourned to judge—New procedure. *See* Chancery Division—Revision of system for listing causes and matters, *ante*.
Summons for directions—
Chancery Division—
Timetable no longer required. **Practice Direction** [1983] **1** 131, ChD.
Use of postal facilities. *See* Chancery Division—Applications by post or telephone, *ante*.
Taxation of costs—
Generally. *See* **Costs**.
Title of proceedings—
General rule—
Exceptions. **Practice Direction** [1983] **1** 131, ChD.
Uncontested proceedings—
Crown Office list—
Criminal causes or matters—Disposal—Disposal without attendance. **Practice Note** [1983] **2** 1020, QBD.
Want of prosecution—
Arbitration. *See* **Arbitration** (Practice—Want of prosecution).
Wardship proceedings. *See* **Ward of court** (Practice).
Writ—
Service out of the jurisdiction. *See* Service out of the jurisdiction, *ante*.

PREGNANCY
Unwanted pregnancy—
Negligence—
Damages. *See* **Damages** (Unwanted pregnancy—Negligence).

PREMISES
Rates. *See* **Rates.**

PRESUMPTION
Dedication of highway. *See* **Highway** (Dedication—Presumption).

PRICE MARKING
Consumer protection—
Generally. *See* **Consumer protection** (Price marking).

PRISON
Medical officer—
Whether prison officers including medical officer—
Prison Act 1952, s 7(1). **Freeman v Home Office** [1983] 3 589, QBD.

PRIVATE INTERNATIONAL LAW
See **Conflict of laws.**

PRIVILEGE
Diplomatic. *See* **Constitutional law** (Diplomatic privilege).
Discovery of documents. *See* **Discovery** (Privilege).
Legal professional privilege—
Expert evidence—
Criminal proceedings. *See* **Criminal evidence** (Expert evidence—Legal professional privilege).
Qualified privilege—
Libel and slander. *See* **Libel and slander** (Qualified privilege).
Self-incrimination, against—
Inspection of property which subject-matter of action. *See* **Practice** (Inspection of property—Property subject-matter of action or in respect of which question arising—Privilege against self-incrimination).
Will—
Soldier's or mariner's privileged will. *See* **Will** (Soldier's or mariner's privileged will).

PRIVY COUNCIL
Appeal—
Damages. *See* Damages—Appeal, *post*.
Pastoral scheme. *See* **Ecclesiastical law** (Appeal—Pastoral scheme).
Damages—
Appeal—
Erroneous assessment by trial judge—Substitution of Board's own assessment—Board's practice. **Selvanayagam v University of the West Indies** [1983] 1 824, PC.

PROBATE
Practice—
Short Probate List—
New system. *See* **Practice** (Chancery Division—Revision of system for listing causes and matters).

PROCEDURE
High Court. *See* **Practice.**
Industrial tribunal. *See* **Industrial tribunal** (Procedure).

PROFESSIONAL PERSON
Negligence. *See* **Negligence** (Professional person).

PROFITS
Income tax—
Deduction in computing profits. *See* Deduction in computing profits, *ante*.

PROMISSORY ESTOPPEL
See **Estoppel** (Promissory estoppel).

PROMISSORY NOTE
Income tax—
Discount. *See* **Income tax** (Discounts—Bill of exchange or promissory note).

PROPERTY
Adjustment order—
Divorce. *See* **Divorce** (Property—Adjustment order).
Criminal damage. *See* **Criminal law** (Damage to property).
Divorce—
Adjustment order. *See* **Divorce** (Property—Adjustment order).
Joint tenancy. *See* **Joint tenancy.**
Mental patient. *See* **Mental health** (Patient's property).
Mortgage. *See* **Mortgage.**
Obtaining by deception. *See* **Criminal law** (Obtaining property by deception).
Protection or preservation of property—
Appointment of receiver. *See* **Receiver** (Appointment—Protection or preservation of property).

PROSECUTION
Costs. *See* **Criminal law** (Costs—Prosecution costs).
Exhibits—
Preservation and retention. *See* **Criminal evidence** (Exhibits—Preservation and retention—Duty of court or prosecution).

PROSTITUTION
Criminal offences relating to prostitution—
Generally. *See* **Criminal law** (Prostitution).
Keeping a brothel. *See* **Criminal law** (Brothel—Keeping a brothel).

PUBLIC AUTHORITY

Corruption of officer or employee. *See* **Criminal law** (Corruption).

Statutory powers—

Duty to take care. *See* **Negligence** (Duty to take care—Statutory powers).

Excessive exercise of statutory powers—

Greater London Council—Reduction of fares on London Transport—GLC requiring London Transport to reduce fares—London Transport required 'so far as practicable' to make up operating deficits in subsequent years—Whether GLC entitled to make grant to London Transport to reduce or eliminate deficit—Whether fact that London Transport only required to make up deficit 'so far as practicable' enabling GLC to make grant to London Transport—Whether GLC acting within legal powers in directing London Transport to reduce fares—Transport (London) Act 1969, ss 1, 5(1), 7(3)(*b*)(6). **R v London Transport Executive, ex p Greater London Council** [1983] **2** 262, QBD.

Local authority resolution appropriating land—Local authority having no power to appropriate part of land—Whether resolution valid appropriation for balance of land—Whether whole resolution invalid. **Thames Water Authority v Elmbridge BC** [1983] **1** 836, CA.

Misuse of powers—

Power to fix wage rates for employees—Strike by employees causing crisis in local authority's administration—Local authority agreeing to substantial increase in wage rates for striking employees—Whether wage rates excessive and ultra vires—Whether councillors who approved settlement liable personally for extra expenditure—Local Government Act 1972, s 161. **Pickwick v Camden London Borough Council** [1983] **1** 602, QBD.

PUBLIC HEALTH

Offensive trades—

Consent by local authority to establishment of offensive trades—

Requirement that consent should be in writing—Whether requirement directory or mandatory—Company carrying on offensive trades without written consent but with knowledge and approval of local authority for 23 years—Whether local authority's course of conduct sufficient consent—Public Health Act 1936, ss 107(1), 283(1). **Epping Forest DC v Essex Rendering Ltd** [1983] 1 359, HL.

PUBLIC POLICY

Damages—

Assessment. *See* **Damages** (Assessment—Public policy).

Foreign judgment—

Enforcement. *See* **Conflict of laws** (Foreign judgment—Enforcement—Public policy).

PUBLICATION

Committal proceedings—

Reports of proceedings—

Order lifting restrictions. *See* **Criminal law** (Committal—Preliminary hearing before justices—Publicity—Order lifting restrictions).

Contempt of court—

Publications concerning legal proceedings. *See* **Contempt of court** (Publications concerning legal proceedings).

QUALIFIED PRIVILEGE

Libel and slander. *See* **Libel and slander** (Qualified privilege).

QUEEN'S BENCH DIVISION

Chambers proceedings—

Practice. *See* **Practice** (Chambers proceedings—Queen's Bench Division).

Divisional Court—

Appeal to Court of Appeal—

Jurisdiction of Court of Appeal. *See* **Court of Appeal** (Jurisdiction—Appeal from Divisional Court).

Funds in court—

Practice. *See* **Practice** (Funds in court).

Long vacation—

Practice. *See* **Practice** (Long vacation—Queen's Bench Division).

QUEEN'S PROCTOR

Intervention—

Divorce proceedings. *See* **Divorce** (Intervention).

RACE RELATIONS

Discrimination—

Discrimination against racial group—

Sikhs—Racial group defined by reference to colour, race, nationality or ethnic or national origins—Ethnic or national origins—Ethnic—Headmaster refusing to admit Sikh boy to school unless he removed his turban and cut his hair—Whether unlawful discrimination—Whether Sikhs a 'racial group'—Whether Sikhs a group defined by reference to 'ethnic or national origins'—Whether discrimination justifiable—Race Relations Act 1976, ss 1(1)(*b*), 3(1). **Mandla v Dowell Lee** [1983] **1** 1062, HL.

RAILWAY

Accommodation works—

Duty of railway authority to maintain works—

Bridge over railway line—Owner of land adjoining railway conveying part of his land to railway authority for railway purposes—Railway authority covenanting to make and for ever maintain bridge over railway for owner's convenience—Adjoining land used for purposes of a brewery—Use of adjoining land altered after construction of bridge—Extent of railway authority's duty to maintain bridge thereafter—Whether bridge 'accommodation works'—Whether owner of adjoining land permitted to use bridge for purpose other than that contemplated by conveyance—Railway Clauses Consolidation Act 1845, s 68. **TRH Sampson Associates Ltd v British Rlys Bd** [1983] 1 257, ChD.

RAILWAY (cont)
Bridge—
Accommodation work—
Duty of railway authority to maintain bridge. *See* Accommodation works—Duty of railway authority to maintain works—Bridge over railway line, *ante*.
Negligence—
Railway—
Duty to take care. *See* **Negligence** (Duty to take care—Railway).

RATE SUPPORT GRANT
See **Rates** (Rate support grant).

RATES
Distress for rates—
Application for warrant—
Defence of non-occupation of premises—Jurisdiction of magistrates to entertain defence. *See* **Magistrates** (Jurisdiction—Warrant for distress for non-payment of rates).
Imprisonment in default of distress—
Warrant of commitment to prison—Inquiry as to means before issue of warrant of commitment—Rating authority applying for warrant of commitment—Magistrates inquiring into means of defaulting ratepayer and postponing issue of warrant subject to payment of arrears by instalments—Defaulting ratepayer not complying with condition as to payment—Magistrates issuing warrant without making further inquiry whether ratepayer's failure to pay instalments was due to wilful refusal or culpable neglect—Whether issue of warrant unlawful—General Rate Act 1967, s 103(1)(*a*). **R v Poole Justices, ex p Fleet** [1983] 2 897, QBD.
Exemption—
Place of public religious worship—
Public—Proper test of public religious worship—Private premises used by Christian sect for meetings of religious worship—Sect not advertising their activities—No notice board outside premises to advertise meetings—Sect prepared to admit properly disposed members of public who presented themselves for worship—Whether proper test that public at large invited by some outward indication to worship—General Rate Act 1967, s 39(2)(*a*). **Broxtowe BC v Birch** [1983] 1 641, CA.
Non-payment of rates—
Distress. *See* Distress for rates, *ante*.
Rate support grant—
Reduction—
Statutory discretion of Secretary of State to reduce grant—Exercise of discretion—Secretary of State hearing representations from rating authorities before he received statutory power to reduce their grants—Secretary of State refusing to hear further representations from authorities after receiving power and before exercising his discretion—Secretary of State applying formula contained in order to determine amount of reduction—Whether order valid—Whether decision of Secretary of State valid—Local Government, Planning and Land Act 1980, ss 48, 49, 50—Rate Support Grant (Principles for Multipliers) Order 1980, para 3, Sch. **R v Secretary of State for the Environment, ex p Brent London BC** [1983] 3 321, QBD.
Rateable occupation—
Occupation by unincorporated association—
Rates demanded from member of association—Whether membership of association making member the 'occupier' of premises used by association. **Verrall v Hackney London BC** [1983] 1 277, CA.
Person liable for rates—
Occupier—Premises described in valuation list as single hereditament—Premises used by different legal entities at different times—Whether any one user liable for rates on whole of premises. **Verrall v Hackney London BC** [1983] 1 277, CA.
Valuation list—
Date of valuation—
Common valuation date—Assessment of gross values of shop premises—Valuation officer estimating rent payable on 1 April 1973 when valuation list came into force—Estimate made in 1972 from information supplied to valuation officer in 1971—Whether 1 April 1973 common valuation date—General Rate Act 1967, s 68(1). **K Shoe Shops Ltd v Hardy (Valuation Officer)** [1983] 3 609, HL.

RECEIVER
Appointment—
Protection or preservation of property—
Landlord failing to collect rents or to repair—Whether court will appoint receiver to collect rents and to effect repairs—Supreme Court Act 1981, s 37. **Hart v Emalkirk Ltd, Howroyd v Emalkirk Ltd** [1983] 3 15, ChD.

RECKLESS DRIVING
See **Road traffic** (Reckless driving).

RECOGNISANCE
Bail—
Generally. *See* **Criminal law** (Bail—Recognisance).

RECORD
Evidence—
Admissibility in evidence. *See* **Document** (Admissibility in evidence—Record as evidence of facts stated therein).

REDUNDANCY
Continuity of employment. *See* **Employment** (Continuity).

REFERENCE
Court of Appeal, Criminal Division—
Reference by Secretary of State. *See* **Criminal law** (Reference by Secretary of State).
European Court. *See* **European Economic Community** (Reference to European Court).

REGISTER
Court register—
Magistrates' court—
Practice. *See* **Magistrates** (Procedure—Court register).
Land. *See* **Land registration.**

REGISTERED LAND
Generally. *See* **Land registration.**

REGISTERED POST
Generally. *See* **Post Office** (Registered postal packet).

REGISTRAR
Appeal from registrar—
Jurisdiction of Court of Appeal. *See* **Court of Appeal** (Jurisdiction—Appeal from registrar).

REGISTRATION
Land—
Generally. *See* **Land registration.**

RELIGIOUS WORSHIP
Place of meeting for—
Rates—
Exemption. *See* **Rates** (Exemption—Place of public religious worship).

RENT
Restriction. *See* **Rent restriction.**
Review. *See* **Landlord and tenant** (Rent—Review).

RENT RESTRICTION
Alternative accommodation—
Suitable to needs of tenant as regards extent and character—
Character—Tenant's life-style in old accommodation—Amenities incidental to accommodation—Tenant occupying large period country house in isolated position with outbuildings, stable and adjoining field—Tenants able to keep open house for family and friends and pony and numerous house pets—New accommodation consisting of detached modern house on estate near country village—New accommodation not having stable or field—Whether 'needs' of tenant restricted to housing needs—Whether tenant's personal life-style in old accommodation and enjoyment of incidental amenities relevant considerations—Rent Act 1977, s 98(1)(*a*), Sch 15, para 5(1)(*b*). **Hill v Rochard** [1983] **2** 21, CA.
Fair rent—
Scarcity element—
Assumption that number of persons seeking to rent houses in locality does not outnumber houses available for rent—Whether deduction to be made in assessing fair rent on account of scarcity element—Rent Act 1977, s 70(2). **Western Heritable Investment Co Ltd v Husband** [1983] **3** 65, HL.
Evidence of capital value not conclusive basis of fair rent—Whether yield on invested capital an essential ingredient in determining fair rent—Whether rent of comparable properties discounting scarcity value best guide to fair rent—Rent Act 1977, s 70(2). **Western Heritable Investment Co Ltd v Husband** [1983] **3** 65, HL.
Possession—
Breach of covenant—
Waiver—Statutory tenant unlawfully subletting premises—Landlord's agent knowing of unlawful subletting but sending demand for rent to statutory tenant—Whether rent demand amounting to waiver of landlord's right to seek possession for breach of covenant—Rent Act 1977, s 3(3). **Trustees of Henry Smith's Charity v Willson** [1983] **1** 73, CA.
Sub-tenancy—
Unlawful sub-tenancy—
Tenant covenanting not to let premises for more than six months without landlord's consent—Tenant subletting premises on periodic monthly tenancy—Whether subtenancy for a period exceeding six months—Whether landlord's consent required—Rent Act 1977, s 137. **Trustees of Henry Smith's Charity v Willson** [1983] **1** 73, CA.

REPAIR
Lease—
Covenant—
Breach. *See* **Landlord and tenant** (Breach of covenant to repair).

REPORT
Committal proceedings—
Generally. *See* **Criminal law** (Committal—Preliminary hearing before justices—Publicity).

REPRESENTATION
Estoppel by representation. *See* **Estoppel** (Representation).

RES JUDICATA
Arbitration. *See* **Arbitration** (Res judicata).

RESTRAINT OF TRADE BY AGREEMENT
Petrol filling station—
Solus agreement—
Mortgage—Agreement between owner of garage and petrol supplier for exclusive purchase and resale of supplier's products—Company owning filling station insolvent—Company agreeing to solus agreement in lease and lease-back transaction designed to raise finance from supplier to prevent company's insolvency—Company leasing garage to supplier for 51 years in return for premium—Supplier immediately leasing-back garage to proprietor of company—Whether tie in lease-back void as being in unreasonable restraint of trade. **Alec Lobb (Garages) Ltd v Total Oil GB Ltd** [1983] **1** 944, ChD.

RESTRICTIVE COVENANT AFFECTING LAND

Annexation of benefit—

Annexation by statute—

Covenant not to enure for benefit of covenantee's successors in title unless expressly assigned—Covenant not expressly assigned on transfer of land—Covenant not to build more than one house on plot—Covenantor's successor in title proposing to build additional house on plot—Action by covenantee's successors in title to enforce covenant—Whether benefit of covenant annexed by statute—Whether covenant a 'right appertaining or reputed to appertain to the land'—Law of Property Act 1925, ss 62(1), 78. **Roake v Chadha** [1983] 3 503, ChD.

RESTRICTIVE TRADE PRACTICES

Contempt of court—

Breach of undertaking given to court—

Company giving undertaking to court in respect of agreement declared contrary to public interest—Company subsequently becoming wholly-owned subsidary of publicly-owned corporation—All assets, liabilities and obligations of company transferred by vesting order to corporation—Corporation entering into agreements in breach of undertaking given by company—Whether undertaking given to court forming part of obligations transferred to corporation—Whether corporation in contempt of court—Iron and Steel Act 1969, s 8(1)—Steel Companies (Vesting) Order 1970, art 3. **Re British Concrete Pipe Association** [1983] 1 203, CA.

Court—

Contempt of court—

Generally. *See* Contempt of court, *ante*.

European Economic Community—

Generally. *See* **European Economic Community** (Restrictive trade practices).

Rules on competition. *See* **European Economic Community** (Rules on competition).

Undertaking—

Breach of undertaking—

Contempt of court. *See* Contempt of court—Breach of undertaking given to court, *ante*.

RETIREMENT

Unfair dismissal—

Restriction on right not to be unfairly dismissed—

Employee reaching normal retiring age or specified age. *See* **Unfair dismissal** (Right not to be unfairly dismissed—Restriction on right when employee reaches normal retiring age or specified age).

REVENUE

Capital gains tax. *See* **Capital gains tax.**

Customs. *See* **Customs and excise.**

Income tax—

Generally. *See* **Income tax.**

Value added tax. *See* **Value added tax.**

RIPARIAN RIGHTS

See **Water and watercourses** (Riparian rights).

ROAD

Generally. *See* **Highway.**

ROAD TRAFFIC

Disqualification for holding licence—

Disqualification after repeated offences—

Mitigating grounds justifying non-disqualification or disqualification for less than prescribed period—Motorist convicted and sent to prison for driving while disqualified—Motorist incapable of keeping away from motor vehicles—Sentencing policy not to impose disqualification extending for substantial period after release of such an offender from prison—Whether sentencing policy a 'ground for mitigating the normal consequences of the conviction'—Transport Act 1981, s 19(2). **R v Thomas** [1983] 3 756, CA.

Penalty points. *See* Penalty points—Disqualification, *post*.

Driving—

Reckless driving. *See* Reckless driving, *post*.

Driving licence—

Endorsement—

Penalty points. *See* Penalty points—Disqualification—Endorsement of licence, *post*.

Heavy motor car—

Overhang—

Overall length—Permitted overhang exceeded when container clipped on to vehicle—Container acting as body of vehicle—Container easily detachable and transferable to other vehicles—Whether vehicle exceeding permitted overhang—Whether container part of vehicle—Motor Vehicles (Construction and Use) Regulations 1978, reg 58. **Hawkins v Harold A Russett Ltd** [1983] 1 215, QBD.

Lorry—

Heavy motor vehicle. *See* Heavy motor car, *ante*.

Motor insurance. *See* **Motor insurance.**

Motor vehicle—

Heavy motor car. *See* Heavy motor car, *ante*.

Penalty points—

Disqualification—

Disqualification after repeated offences. *See* Disqualification for holding licence—Disqualification after repeated offences, *ante*.

Endorsement of licence—Endorsement with penalty points—General guidance on disqualification and endorsement of licence. **R v Kent** [1983] 3 1, CA.

Endorsement of licence—Endorsement with penalty points—Whether endorsement of penalty points can be ordered at same time as disqualification from driving imposed—Road Traffic Act 1972, s 101(1)—Transport Act 1981, s 19(1), Sch 7. **R v Kent** [1983] 3 1, CA.

ROAD TRAFFIC (cont)
Reckless driving—
Causing death by reckless driving—
Charge of manslaughter—Proper direction to jury. **R v Seymour** [1983] **2** 1058, HL.
Taking vehicle without authority—
Consent—
Taking and driving away without owner's consent—Consent obtained by fraudulent misrepresentation—Whether consent vitiated—Theft Act 1968, s 12(1). **Whittaker v Campbell** [1983] **3** 582, QBD.

SAFETY
Working places—
Building. *See* **Building** (Working places).

SALE OF GOODS
Bargain offers—
Consumer protection. *See* **Consumer protection** (Price marking—Bargain offers relating to goods).
Contract—
Exclusion of implied terms. *See* Exclusion of implied terms, *post*.
Offer and acceptance. *See* **Contract** (Offer and acceptance).
Exclusion of implied terms—
Implied condition as to merchantable quality. *See* Implied condition as to merchantable quality—Exclusion of implied term, *post*.
Implied condition as to merchantable quality—
Exclusion of implied term—
Unfair contract term—Whether fair and reasonable for seller to rely on clause limiting liability for supplying goods not of merchantable quality—Sale of Goods Act 1979, s 55. **George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd** [1983] **2** 737, HL.
Passing of property—
Vendor retaining property in goods—
Contract reserving property in goods to vendor after delivery until payment made in full—Vendor supplying leather used by buyers in manufacture of handbags—Leather becoming inseparable part of handbags—Purchaser becoming insolvent—Whether vendor retaining property in unused leather—Whether vendor having property in unsold handbags—Whether fiduciary relationship existing between vendor and purchaser—Whether vendor entitled to trace and recover debt from proceeds of sale of handbags—Whether vendor limited to a charge over the goods—Whether the charge void for non-registration—Companies Act 1948, s 95. **Re Peachdart Ltd** [1983] **3** 204, ChD.
Payment—
Letter of credit—
Bank—Duty—Irrevocable credit. *See* **Bank** (Documentary credit—Irrevocable credit).
Price—
Bargain offers—
Consumer protection. *See* **Consumer protection** (Price marking—Bargain offers relating to goods).

SALE OF LAND
Deposit—
Payment—
Exercise of option to purchase. *See* **Option** (Option to purchase—Exercise of option—Deposit).
Mortgage—
Generally. *See* **Mortgage** (Sale).
Restrictive covenant affecting land. *See* **Restrictive covenant affecting land**.
Sale by court—
Estate agents and auctioneers—
Scale of remuneration—Sales pursuant to orders of Chancery Division, Family Division, Court of Protection or divorce county courts. **Practice Direction** [1983] **1** 160, ChD & FamD.

SALVAGE
Agreement—
Arbitration—
Extent of arbitrator's jurisdiction. *See* **Arbitration** (Arbitrator—Jurisdiction—Salvage arbitration).

SCHOOL FEES
Maintenance order including element in respect of fees. *See* **Minor** (Maintenance—Education or training—Maintenance order including element in respect of school fees).

SEAMAN
Will—
Privilege. *See* **Will** (Soldier's or mariner's privileged will).

SEARCH
Police—
Right of search. *See* **Police** (Right of search).

SECURE TENANCY
Forfeiture of lease—
Breach of covenant prohibiting assignment. *See* **Landlord and tenant** (Forfeiture of lease—Breach of covenant prohibiting assignment—Secure tenancy).

SECURITY FOR COSTS
Arbitration. *See* **Arbitration** (Costs—Security for costs).

SELF-INCRIMINATION
Privilege against self-incrimination—
Inspection of property. *See* **Practice** (Inspection of property—Property subject-matter of action or in respect of which question arising—Privilege against self-incrimination).

SELF-INDUCED AUTOMATISM
Defence to criminal charge. *See* **Criminal law** (Automatism—Self-induced automatism).

SENTENCE
Compensation—
Order—
Compensation for personal injury, loss or damage resulting from the offence—Anxiety and distress directly caused by offence—Defendant throwing stone through window of house—Magistrates awarding compensation to occupier for his distress and anxiety—Whether distress and anxiety amounting to 'personal injury ... or damage' resulting from offence—Powers of Criminal Courts Act 1973, s 35(1). **Bond v Chief Constable of Kent** [1983] 1 456, QBD.
Inability of convicted person to meet all claims in full—How assets should be apportioned. **R v Amey, R v James and Meah** [1983] 1 865, CA.
Persons jointly convicted—Principles applicable in making order. **R v Amey, R v James and Meah** [1983] 1 865, CA.
Principles applicable in making order—Compensation order not to be made unless the sum claimed by victim is agreed or proved—Degree of proof required—Necessity for amount of loss to be proved by evidence. **R v Amey, R v James and Meah** [1983] 1 865, CA.
Hospital order—
Power of court to make hospital order—
Magistrates' court—Accused charged with offence and asked whether he elected for summary trial—Accused not understanding what was meant—Accused making no reply—Evidence clearly showing accused had committed offence—Whether justices bound to act as examing magistrates because accused had not consented to summary trial—Whether justices could make hospital order without trying accused—Mental Health Act 1959, s 60(2)—Magistrates' Courts Act 1980, ss 18, 20(3)(*b*). **R v Lincolnshire (Kesteven) Justices, ex p O'Connor** [1983] 1 901, QBD.

SERVICES
Sexual discrimination—
Provision of services. *See* **Sex discrimination** (Provision of goods, facilities or services).

SETTLEMENT
Contingent interest—
Contingent interest distinguished from interest dependent on event bound to happen—
Interest subject to condition that beneficiary survive designated person—Designated person described by reference to newspaper announcement of his death—Whether interest dependent on designated person's death or on survival for specified period. **Inland Revenue Comrs v Trustees of Sir John Aird's Settlement** [1983] 3 481, CA.
Discretionary trust—
Generally. *See* **Trust and trustee** (Discretionary trust).
Mental patient. *See* **Mental health** (Patient's property—Settlement).
Variation of trusts—
Generally. *See* **Variation of trusts**.

SEX DISCRIMINATION
Immigration—
Special voucher scheme for Commonwealth citizens. *See* **Commonwealth immigrant** (Special voucher scheme—Sex discrimination).
Provision of goods, facilities or services—
Serving drinks at wine bar—
Men permitted to stand and drink in bar area—Men permitted to stand and drink in bar area—Women served only while seated away from bar area—Women complaining of less favourable treatment—Whether unlawful discrimination of women on ground of sex—Sex Discrimination Act 1975, ss 1(1)(*a*), 29(1). **Gill v El Vino Co Ltd.** [1983] 1 398, CA.

SEXUAL OFFENCES
Indecent assault. *See* **Criminal law** (Indecent assault).
Prostitution. *See* **Criminal law** (Prostitution).

SHERIFF
Protection of. *See* **Execution** (Sheriff—Protection).

SHIP
Sale—
Damages for breach of contract—
Recovery of deposit. *See* **Contract** (Damages for breach—Deposit—Sale of ships).

SHIPPING
Admiralty—
Jurisdiction. *See* **Admiralty** (Jurisdiction).
Bill of lading—
Incorporation of terms of charterparty—
Arbitration clause—Bill of lading providing that 'all conditions and exceptions of [the] charterparty' deemed to be incorporated in bill of lading—Charterparty providing for bill of lading to incorporate 'all terms and conditions of [the] charter including ... the arbitration clause'—Whether arbitration clause a 'condition' incorporated in bill of lading—Whether arbitration clause incorporated in bill of lading by charterparty or bill of lading. **Skips A/S Nordheim v Syrian Petroleum Co Ltd, The Varenna** [1983] 3 645, CA.
Cargo—
General average contribution by cargo owners. *See* General average, *post*.
Carriage by sea—
Claim arising out of agreement relating to carriage of goods—
Admiralty jurisdiction. *See* **Admiralty** (Jurisdiction—Action in rem—Claim arising out of agreement relating to carriage of goods).
Charterparty—
Arbitration—
Commencement. *See* **Arbitration** (Commencement—Charterparty).

SHIPPING (cont)

Charterparty (cont)—

Arbitration clause—

Incorporation in bill of lading. *See* Bill of lading—Incorporation of terms of charterparty—Arbitration clause, *ante*.

Frustration—

War—Vessel under charterparty trapped in Shatt al-Arab river by war between Iran and Iraq—Whether declaration of war between Iran and Iraq automatically frustrating charterparty. **Finelvet AG v Vinava Shipping Co Ltd, The Chrysalis** [1983] 2 658, QBD.

Time charter—

Generally. *See* Time charterparty, *post*.

Collision regulations—

Observance—

Liability for infringement—Liability of master—Navigation of ship delegated to duly certificated officer of the watch—Infringement of collision regulations caused by act or omission of officer of the watch—Master not present on bridge at time of infringement and having no knowledge of infringement—Whether infringement of collision regulations an offence of strict liability—Whether master guilty of an offence—Merchant Shipping Act 1894, s 419(2). **Bradshaw v Ewart-James** [1983] 1 12, QBD.

General average—

Contribution by cargo owners—

Accrual of cause of action for contribution—Action by ship managers against consignees of cargo and insurers claiming contribution—Writ issued within six years of first general average act and execution of average bonds in usual Lloyd's form secured by guarantee given by cargo insurers—Application to join shipowners as plaintiffs in action made more than six years after execution of bonds and guarantee—Application made within six years of publication of average adjustment statement—Whether shipowners' claim against consignees and insurers time-barred. **Castle Insurance Co Ltd v Hong Kong Islands Shipping Co Ltd, The Potoi Chau** [1983] 3 706, PC.

Insurance. *See* **Marine insurance.**

Limitation of liability—

Limitation fund—

Interest—Shipowner paying into court at commencement of limitation action the limitation figure as at date of payment in plus interest thereon from date of collision to date of payment in—Fund invested—Right of shipowner to limit liability to amount of fund in court established in limitation action—Interest accruing on fund—Whether Admiralty Court having discretion to order payment out to defendant of accrued interest on fund in addition to fund itself—Merchant Shipping Act 1894, ss 503(1), 504—Merchant Shipping (Liability of Shipowners and Others) Act 1958, s 1(4). **Polish Steam Ship Co v Atlantic Maritime Co, The Garden City** [1983] 2 532, QBD.

Navigation—

Negligent navigation—

Exemption clause in time charter. *See* Time charterparty—Exceptions—Negligent navigation, *post*.

Negligence—

Navigation—

Exemption clause in time charter. *See* Time charterparty—Exceptions—Negligent navigation, *post*.

Salvage—

Agreement—

Arbitration—Jurisdiction of arbitrator. *See* **Arbitration** (Arbitrator—Jurisdiction—Salvage arbitration).

Time charter—

Generally. *See* Time charterparty, *post*.

Time charterparty—

Exceptions—

Negligent navigation—Loss or damage arising from negligent navigation—US Carriage of Goods by Sea Act 1936—Vessel chartered for lightening operations at Indian port—Charterparty purporting to incorporate US Carriage of Goods by Sea Act—US Act exempting owners of chartered vessel from liability for 'loss or damage arising or resulting from ... neglect ... in navigation'—Chartered vessel causing damage to charterers' vessel because of negligent navigation—Whether owners of chartered vessel liable for damage—Whether US Act applying to exempt owners from liability for damage. **Seven Seas Transportation Ltd v Pacifico Union Marina Corp, The Oceanic Amity** [1983] 1 672, QBD.

Negligent navigation—Errors of navigation—Exemption clause in charterparty exempting owners from liability for 'errors of navigation'—Whether 'errors of navigation' including negligent navigation. **Industrie Chimiche Italia Centrale SpA v Nea Ninemia Shipping Co SA, The Emmanuel C** [1983] 1 686, QBD.

Hire—

Lien for non-payment of hire—Sub-freights—Charterparty giving owner lien on 'all sub-freights' for non-payment—Whether owner having lien over hire payable by sub-sub-charterer under time charter—Whether owner's lien limited to sub-freight payable under voyage charter. **Care Shipping Corp v Latin American Shipping Corp, The Cebu** [1983] 1 1121, QBD.

Payment of hire—

Withdrawal of vessel for non-payment of hire. *See* Withdrawal of vessel for non-payment of hire, *post*.

Withdrawal of vessel for non-payment of hire—

Exercise of right to withdraw vessel—Owner hitherto accepting late payments—Whether owner estopped from exercising contractual right of withdrawal. **Scandinavian Trading Tanker Co AB v Flota Petrolera Ecuatoriana, The Scaptrade** [1983] 1 301, CA.

Punctual payment—Anti-technicality clause—Owners to give 48 hours' notice to rectify default of payment before exercising right to withdraw ship—Payment not made on due date—Owners giving notice at end of banking hours on due date of payment—Whether default occurring at end of banking hours or at midnight on due date—Whether owners' notice to rectify valid. **Afovos Shipping Co SA v Pagnan, The Afovos** [1983] 1 449, HL.

SHIPPING (cont)
Time charterparty (cont)—
Withdrawal of vessel for non-payment of hire (cont)—
Relief against forfeiture—Default in payment of hire—Right of withdrawal exercised—Whether court having jurisdiction to grant relief against forfeiture. **Scandinavian Trading Tanker Co AB v Flota Petrolera Ecuatoriana, The Scaptrade** [1983] **2** 763, HL.
York-Antwerp Rules—
General average. *See* General average, *ante*.

SHOP
Sunday closing—
Enforcement by local authority—
Promotion or protection of interests of inhabitants of its area—Trader in local authority's area deliberately and flagrantly flouting Sunday closing laws—Fines not acting as deterrent—Local authority applying for injunction to restrain trader from acting in contravention of law—Whether local authority proper plaintiff—Whether proceedings required to be brought by Attorney General—Whether local authority acting to protect interests of inhabitants—Shops Act 1950, ss 47, 71(1)—Local Government Act 1972, s 222(1)(*a*). **Stoke-on-Trent City Council v B & Q (Retail) Ltd** [1983] **2** 787, CA.

SIKH
Racial discrimination. *See* **Race relations** (Discrimination—Discrimination against racial group—Sikhs).

SLANDER
Generally. *See* **Libel and slander**.

SOCIAL SECURITY
Guardian's allowance—
Persons entitled to allowance—
Parent of child not entitled to allowance—Meaning of 'parent'—Illegitimate child adopted by grandmother—Child subsequently looked after by natural mother on death of grandmother—Natural mother claiming guardian's allowance—Whether natural mother ceasing to be a 'parent' once child adopted—Whether natural mother entitled to guardian's allowance—Social Security Act 1975, s 38(1), (2), (6)—Children Act 1975, Sch 1, para 3(2), (5). **Secretary of State for Social Services v Smith** [1983] **3** 173, CA.
Supplementary benefit. *See* **Supplementary benefit**.

SOCIETY
Building society. *See* **Building society**.

SOLDIER
Will. *See* **Will** (Soldier's or mariner's will).

SOLICITOR
Articled clerk—
Employment—
Clerk articled to partner in firm but doing work for benefit of firm as a whole—Whether clerk employed by firm—Whether clerk can be articled to partner and employed by firm at same time. **Oliver v J P Malnick & Co (a firm)** [1983] **3** 795, EAT.
Costs—
Court of Protection—
Practice. *See* **Mental health** (Court of Protection—Practice—Costs—Solicitor's costs).
Dishonesty—
Intervention by Law Society in solicitor's practice—
Discovery of documents—Law Society suspecting solicitor of being dishonest and failing to comply with accounting rules—Council of Law Society passing resolution vesting in Society moneys held by solicitor—Notice of resolution served on solicitor—Solicitor applying by originating summons for withdrawal of notice—Solicitor applying for discovery of Law Society's internal documents relating to its resolution—Whether order for discovery should be made—Solicitors Act 1974, Sch 1, paras 1(2), 6(4), (5)—RSC Ord 24, r 7, Ord 106, r 6(1). **Buckley v Law Society** [1983] **2** 1039, ChD.
Negligence—
Duty to exercise reasonable skill and care. *See* **Negligence** (Professional person—Duty to exercise reasonable skill and care).
Official Solicitor—
Costs. *See* **Costs** (Official Solicitor).

SOLUS AGREEMENT
Enforceability of tying covenant. *See* **Restraint of trade by agreement** (Petrol filling station—Solus agreement).

STATUTE
Construction—
New Zealand. *See* **New Zealand** (Statute—Interpretation).

STATUTORY AUTHORITY
Defence to action for nuisance. *See* **Nuisance** (Defence—Statutory authority).

STATUTORY DUTY
Coal mining. *See* **Coal mining** (Statutory duty).

STATUTORY POWER
Negligence—
Duty to take care. *See* **Negligence** (Duty to take care—Statutory powers).
Public authority. *See* **Public authority** (Statutory powers).

STATUTORY UNDERTAKERS
Nuisance—
Defence—
Statutory authority. *See* **Nuisance** (Defence—Statutory authority).

STAY OF PROCEEDINGS
Foreign proceedings—
Conflict of laws. *See* **Conflict of laws** (Foreign proceedings—Restraint of foreign proceedings).
See **Conflict of laws** (Foreign proceedings—Restraint of foreign proceedings).
Generally. *See* **Practice** (Stay of proceedings).

STOP NOTICE
Town and country planning. *See* **Town and country planning** (Stop notice).

SUB-TENANCY
Statutory tenancy. *See* **Rent restriction** (Sub-tenancy).

SUBSTITUTED SERVICE
Bankruptcy notice. *See* **Bankruptcy** (Bankruptcy notice—Service—Substituted service).
Generally. *See* **Practice** (Service—Substituted service).

SUCCESSION
Will—
Generally. *See* **Will**.

SUMMARY JUDGMENT
Generally. *See* **Practice** (Summary judgment).
See **Summary judgment**.

SUMMARY PROCEEDINGS
Possession of land. *See* **Land** (Summary proceedings for possession).

SUMMONS FOR DIRECTIONS
Generally. *See* **Practice** (Summons for directions).

SUNDAY CLOSING
Shop. *See* **Shop** (Sunday closing).

SUPPLEMENTARY BENEFIT
Social security commissioner—
Appeal from decision of commissioner on question of law—
Appeal from commissioner's refusal of leave to appeal from decision of supplementary benefit appeal tribunal—Whether refusal of leave a 'decision' by commissioner—Whether Court of Appeal having jurisdiction to entertain appeal from commissioner's refusal of leave—Social Security Act 1980, s 14(2). **Bland v Chief Supplementary Benefit Officer** [1983] 1 537, CA.

SUPPORT
Easement. *See* **Easement** (Support).

SUPREME COURT
Practice—
Generally. *See* **Practice**.

SURETY
Criminal law. *See* **Criminal law** (Bail).
Guarantee—
Generally. *See* **Guarantee**.

TAX
Capital gains tax. *See* **Capital gains tax**.
Capital transfer tax. *See* **Capital transfer tax**.
Income tax—
Generally. *See* **Income tax**.
Value added tax. *See* **Value added tax**.

TENANCY
Agricultural holding. *See* **Agricultural holding**.
Business premises—
Generally. *See* **Landlord and tenant** (Business premises).
Joint tenancy. *See* **Joint tenancy**.
Rent. *See* **Landlord and tenant** (Rent).
Rent restriction. *See* **Rent restriction**.
Secure tenancy—
Forfeiture of lease—
Breach of covenant prohibiting assignment. *See* **Landlord and tenant** (Forfeiture of lease—Breach of covenant prohibiting assignment—Secure tenancy).

THEFT
Crime. *See* **Criminal law** (Theft).

TIME
Landlord and tenant—
Rent review clause—
Failure to comply with time limits. *See* **Landlord and tenant** (Rent—Review—Failure to comply with time limits).
Limitation—
Carriage of goods by road—
Action arising from contract of carriage. *See* **Carriers** (Contract—Carriage of goods—Action arising out of carriage—Limitation period).
Limitation of action. *See* **Limitation of action**.

TIME CHARTER
See **Shipping** (Time charterparty).

TITLE
Land—
Landlord. *See* **Landlord and tenant** (Title).

TITLE OF PROCEEDINGS
Generally. *See* **Practice** (Title of proceedings).

TOBAGO
Trinidad and Tobago. *See* **Trinidad and Tobago.**

TORT
Actions founded on—
Service out of the jurisdiction. *See* **Practice** (Service out of the jurisdiction—Action founded on tort committed within jurisdiction).
Conflict of laws. *See* **Conflict of laws** (Tort).
Inducement to commit breach of contract—
Indirect inducement—
Interference with performance of contract—Whether interference with performance of contract giving rise to cause of action at common law—Preconditions for cause of action. **Merkur Island Shipping Corp v Laughton** [1983] **2** 189, HL.
Limitation of action—
Court's power to override time limit in personal injury or fatal accident claim. *See* **Limitation of action** (Court's power to override time limit in personal injury or fatal accident claim).
When time begins to run. *See* **Limitation of action** (When time begins to run—Actions in tort).
Negligence. *See* **Negligence.**
Nuisance. *See* **Nuisance.**
Trespass to the person—
Medical practitioner. *See* **Medical practitioner** (Trespass to the person).
See **Medical practitioner** (Trespass to the person).
Wrongful interference with goods—
Conversion. *See* **Conversion.**

TOWN AND COUNTRY PLANNING
Appeal to Minister against refusal of permission for development—
Notification of decision—
Notification by letter—Challenge to minister's decision—Time limit for making application to High Court to quash decision—Time limit six weeks from date on which 'action' is taken—Whether time limit running from date letter signed and dated or from when notification received by applicant—Town and Country Planning Act 1971, ss 242, 245. **Griffiths v Secretary of State for the Environment** [1983] **1** 439, HL.
Conservation area—
Control of demolition—
Agreement between planning authority and developer allowing development of land in conservation area—Agreement not specifically prohibiting demolition of buildings on land—Development not capable of being carried out without demolition of buildings—Developer demolishing buildings without consent of planning authority—Whether consent of authority necessary for demolition of buildings—Whether agreement containing implied consent of authority to demolition—Whether authority able to prohibit demolition in spite of implied consent in agreement—Town and Country Planning Act 1971, ss 52(3), 277A. **Royal Borough of Windsor and Maidenhead v Brandrose Investments Ltd** [1983] **1** 818, CA.
Development—
Material change of use—
Use for stationing residential caravans—Caravan—Structure designed or adapted for human habitation—Adapted for human habitation—Motor vehicle—Motor vehicle not designed for human habitation—Whether to be 'adapted' for human habitation vehicle requires physical alteration—Whether sufficient to constitute vehicle a caravan as being 'adapted' for human habitation if vehicle furnished to make it suitable for human habitation—Caravan Sites and Control of Development Act 1960, s 29(1). **Backer v Secretary of State for the Environment** [1983] **2** 1021, QBD.
Enforcement notice—
Appeal against notice—
Grounds—Local authority agreeing not to enforce notice for three years if plaintiff not appealing against notice—Plaintiff agreeing on advice of local authority—Time for appeal elapsing—Plaintiff bringing action for damages for negligent advice of local authority in respect to plaintiff's right under notice—Local authority seeking to strike out claim on ground that claim for damages involving challenge to validity of enforcement notice and accordingly statute barred—Whether enforcement notice could be challenged on grounds not specified in statute—Town and Country Planning Act 1971, ss 88, 243. **Davy v Spelthorne BC** [1983] **3** 278, HL.
Contravention—
Information—Information alleging contravention 'on and since' certain date—Whether a continuing offence—Whether information bad for duplicity—Town and Country Planning Act 1971, s 89(5). **Chiltern DC v Hodgetts** [1983] **1** 1057, HL.
Effect—
Reversion to earlier lawful use—Purpose for which land may be used without planning permission—Purpose for which land could lawfully have been used if development enforced against had not been carried out—Use immediately preceding that enforced against unlawful—Whether person on whom enforcement notice served can follow planning history back to earlier lawful uses in order to revert to use which land lawfully used—Whether person on whom enforcement notice served only able to revert to use immediately preceding that enforced against provided that use was lawful—Town and Country Planning Act 1971, s 23(9). **Young v Secretary of State for the Environment** [1983] **2** 1105, HL.
Permission for development—
Appeal to Minister against refusal of permission. *See* Appeal to Minister against refusal of permission for development, *ante*.

TOWN AND COUNTRY PLANNING (cont)
Permission for development (cont)—
Change of use—
Generally. *See* Development—Material change of use, *ante*.
Stop notice—
Using land in contravention of stop notice—
Criminal prosecution—Defence that notice invalid—Whether validity of stop notice can be challenged in criminal proceedings—Town and Country Planning Act 1971, s 90(1)(2)(7). **R v Jenner** [1983] **2** 46, CA.

TRADE
European Economic Community—
Rules on competition. *See* **European Economic Community** (Rules on competition).
Offensive trade. *See* **Public health** (Offensive trades).
Protection of trading interests—
Damage to United Kingdom trading interests—
Conflict of laws—Foreign measures which threaten to damage United Kingdom trading interests—Measures—Conditions under which Secretary of State may make order or direction prohibiting compliance with foreign measures—What constitutes foreign 'measures' which threaten to damage United Kingdom trading interests—Protection of Trading Interests Act 1980, ss 1, 2—Protection of Trading Interests (US Antitrust Measures) Order 1983. **British Airways Board v Laker Airways Ltd** [1983] **3** 375, QBD & CA.
Records—
Admissibility in evidence—
Criminal proceedings. *See* **Criminal evidence** (Record relating to trade or business).
Restraint of trade—
Restraint of trade by agreement. *See* **Restraint of trade by agreement**.
Restrictive practices—
European Economic Community. *See* **European Economic Community** (Restrictive trade practices).
Generally. *See* **Restrictive trade practices**.
Trade mark. *See* **Trade mark**.
Weights and measures. *See* **Weights and measures**.

TRADE DISPUTE
Acts done in contemplation or furtherance of trade dispute—
In contemplation or furtherance of—
Secondary action in furtherance of dispute—Immunity of secondary action from suit in tort—Contract for supply of services between employer who is party to dispute and employer to whom secondary action relates—Vessel let on time charter by owners to charterers and sub-let to sub-charterers—Sub-charterers contracting with tug company for towage services to enable vessel to leave port—Vessel blacked while in port—Employees of tug company persuaded by seamen's union to take secondary action to prevent vessel leaving port—Whether contract for supply of services between shipowners and tug company—Whether secondary action directly preventing supply of services by shipowner under time charter—Whether secondary action by seamen's union actionable in tort—Trade Union and Labour Relations Act 1974, s 13(1)—Employment Act 1980, s 17(3)(6). **Merkur Island Shipping Corp v Laughton** [1983] **2** 189, HL.
Picketing—
Right of peaceful picketing—
Whether right exercisable against will of owner of land and regardless of byelaws affecting land—Trade Union and Labour Relations Act 1974, s 15. **British Airports Authority v Ashton** [1983] **3** 6, QBD.

TRADE MARK
Registered users—
Trafficking in trade mark—
Application for registration of trade mark and registration of person as registered user—Proprietor not using or proposing to use mark in connection with goods similar to those to be marketed by licensees—Licence agreements including quality control provisions exercisable by proprietor over licensees' goods—Whether grant of proprietor's applications tending to facilitate 'trafficking' in trade mark—Trade Marks Act 1938, s 28(6). **Re American Greetings Corp's Application** [1983] **2** 609, ChD.

TRADE UNION
Membership—
Termination of membership—
No-poaching agreement between unions—Bridlington principles—Admission by union to membership of person recently belonging to another union—Failure of new union to inquire of former union if it objected to member joining new union—TUC disputes committee holding new union to be in breach of Bridlington principles and requiring new union to expel new member—Member concerned not allowed to make personal representations to disputes committee—Union's executive committee purporting to terminate membership without giving member opportunity to be heard—Committee terminating membership under union rule giving it discretion to terminate membership where necessary to comply with decision of TUC disputes committee—Whether termination of membership valid—Whether disputes committee and union's executive committee acting in breach of rules of natural justice. **Cheall v Association of Professional, Executive, Clerical and Computer Staff** [1983] **1** 1130, HL.
Natural justice—
Termination of membership. *See* Membership—Termination of membership, *ante*.
Trade dispute—
Generally. *See* **Trade dispute**.

TRANSPORT
London Transport Executive. *See* **London Transport Executive**.
Railway. *See* **Railway**.

TREATY

Treaty relevant to dispute between private persons—

Relevance of government's attitude to treaty—

Whether government's attitude should be taken into consideration by court when deciding dispute. **British Airways Board v Laker Airways Ltd** [1983] **3** 375, QBD & CA.

TRESPASS TO THE PERSON

Medical practitioner. *See* **Medical practitioner** (Trespass to the person).

TRIAL

Criminal—

Evidence. *See* **Criminal evidence.**

Generally. *See* **Criminal law** (Trial).

Indictment. *See* **Indictment.**

Sentence. *See* **Sentence.**

Verdict—

Majority verdict. *See* **Jury** (Majority verdict).

TRIBUNAL

Immigration Appeal Tribunal—

Generally. *See* **Immigration** (Appeal).

Industrial tribunal. *See* **Industrial tribunal.**

TRINIDAD AND TOBAGO

Fatal accident—

Action—

Provision that dependant of deceased may sue if no action commenced by executor within six months of death—Executors appointed by will—Action commenced by dependants three months after death—Whether claim commenced prematurely—Whether action a nullity—Trinidad and Tobago Compensation for Injuries Ordinance, s 8. **Austin v Hart** [1983] **2** 341, PC.

TRUST AND TRUSTEE

Charity. *See* **Charity.**

Constructive trust—

Unmarried couple—

House acquired by joint efforts for joint benefit—Date of valuation of their respective shares—House purchased by man for purpose of family home for mistress and children—House conveyed in sole name of man—Couple separating—Mistress and children remaining in occupation—Intention that no order for sale should be made while children living in house—Mistress claiming share in property—Whether share to be valued at date of separation or date of sale. **Gordon v Douce** [1983] **2** 228, CA.

Discretionary trust—

Non-exercise of discretion—

Settlor creating trust giving trustees discretion to appoint members of his family beneficiaries to receive income or capital—Trustees at settlor's behest appointing all of settlor's children as beneficiaries—Later at settlor's behest trustees revoking appointment of one son as beneficiary and appointing other children—At settlor's behest trustees later purporting to appoint son as beneficiary and transferring trust property to him—Whether any or all appointments an invalid exercise of discretionary powers. **Turner v Turner** [1983] **2** 745, ChD.

Investment clause—

Variation of trusts by the court. *See* **Variation of trusts** (Variation by the court—Investment clause).

Settlement—

Generally. *See* **Settlement.**

Variation of trusts by the court. *See* **Variation of trusts** (Variation by the court).

UNCONSCIONABLE BARGAIN

Equitable relief. *See* **Equity** (Unconscionable bargain).

UNDERTAKING

Breach—

Contempt of court—

Restrictive Practices Court. *See* **Restrictive trade practices** (Contempt of court—Breach of undertaking given to court).

Justices' off-licence—

Grant subject to undertaking. *See* **Licensing** (Licence—Grant—Off-licence—Grant subject to undertaking).

UNDUE INFLUENCE

Equitable relief. *See* **Equity** (Undue influence).

UNFAIR DISMISSAL

Complaint—

Industrial tribunal—

Procedure. *See* **Industrial tribunal** (Procedure—Complaint of unfair dismissal).

Determination whether dismissal fair or unfair—

Dismissal for an inadmissible reason—

Dismissal for trade union membership—Union applying to employer for recognition—Employer reacting by instructing chargehands to dismiss 20 employees—Dismissed employees claiming their dismissal due to union membership or activities—Whether employees dismissed for an 'inadmissible reason'—Whether necessary for each employee to show that his dismissal was due to his particular union membership or activity—Employment Protection (Consolidation) Act 1978, s 58. **Carrington v Therm-A-Stor Ltd** [1983] **1** 796, CA.

UNFAIR DISMISSAL (cont)

Dismissal in connection with strike or other industrial action—

Other industrial action—

Meaning—Refusal to work overtime because of dispute over wage increase—Refusal to work overtime not constituting breach of contract—Whether refusal to work overtime amounting to taking part in 'other industrial action'—Whether industrial tribunal having jurisdiction to hear complaint of unfair dismissal—Employment Protection (Consolidation) Act 1978, s 62(1)(*b*). **Power Packing Casemakers Ltd v Faust** [1983] 2 166, CA.

Right not to be unfairly dismissed—

Restriction on right where employee reaches normal retiring age or specified age—

Normal retiring age—Determination—Employee's contract providing for compulsory retirement at minimum age of 60 unless employer decided to keep him on until he was 65—Employee compulsorily retired six months after sixtieth birthday—Employee alleging unfair dismissal—Whether contractual retiring age conclusively fixing normal retiring age—Whether tribunal having jurisdiction to entertain claim—Trade Union and Labour Relations Act 1974, Sch 1, para 10(*b*). **Waite v Government Communications Headquarters** [1983] 2 1013, HL.

UNINCORPORATED ASSOCIATION

Rateable occupation of premises. *See* **Rates** (Rateable occupation—Occupation by unincorporated association).

UNION

Trade union. *See* **Trade union**.

UNIVERSITY

Grant for study. *See* **Education** (University—Grant for study).

Visitor—

Modern university—

Jurisdiction of visitor—Contract—Petitioner applying for and offered place to study particular course—Petitioner accepting offer—University unable to mount course and offering petitioner place in alternative course—Petitioner accepting new offer and admitted to university to study alternative course—Petitioner seeking damages for breach of contract—Petitioner alleging university withdrew original offer in breach of contract—Whether visitor having jurisdiction to hear petition alleging breach of contract by university—Whether visitor having jurisdiction to hear petition from stranger to university—Whether petition misconceived. **Casson v University of Aston in Birmingham** [1983] 1 88, Visitor.

UNMARRIED COUPLE

House—

Joint acquisition of house—

Resulting trust. *See* **Trust and trustee** (Constructive trust—Unmarried couple—House acquired by joint efforts for joint benefit).

UNWANTED PREGNANCY

Negligence—

Damages. *See* **Damages** (Unwanted pregnancy—Negligence).

VALUATION

Valuer. *See* **Valuer** (Valuation).

VALUATION LIST

Rates. *See* **Rates** (Valuation list).

VALUE ADDED TAX

Information—

Commissioners' power to require information relating to supply of goods or services—

Goods and documents seized under authority of Anton Piller orders—Solicitors undertaking to retain custody of seized goods and documents until further order—Commissioners' application to inspect seized goods and documents—Whether solicitors entitled to make goods and documents available to commissioners without court order—Finance Act 1972, s 35(2). **Customs and Excise Comrs v A E Hamlin & Co (a firm)** [1983] 3 654, ChD.

VALUER

Negligence—

Damages—

Measure of damages. *See* **Damages** (Measure of damages—Negligence—Valuer).

Valuation—

Mistake—

Speaking valuation—Shares—Private company—Valuation for purposes of sale—Price to be fixed by valuer—Valuer's decision final, binding and conclusive—Basis of valuation stated on face of valuation—Transfer of shares effected on basis of valuation—Transferor seeking declaration that valuation fundamentally erroneous—Whether statement of claim disclosing reasonable cause of action—Whether party to a contract can impugn contract if speaking valuation shows valuation to be erroneous—Whether completion of transaction before proceedings are commenced a bar to declaratory relief. **Burgess v Purchase & Sons (Farms) Ltd** [1983] 2 4, ChD.

VARIATION OF TRUSTS

Extension of powers of investment—

Jurisdiction of court. *See* Variation by the court—Investment clause—Extension of powers of investment, *post*.

VARIATION OF TRUSTS (cont)
Variation by the court—
Investment clause—
Extension of powers of investment—Pension fund—Enlargement of fund due to inflation—Co-operative Society's employees' pension fund—Different views existing as to proper construction of investment clause but parties not in dispute—Whether court having power under inherent jurisdiction to confer on trustees wide modern power of investment—Whether court having statutory jurisdiction to vary trust and give trustees wider investment powers—Whether range of investments sanctioned must be limited to those permitted under Trustee Investments Act 1961—Trustee Act 1925, s 57(1)—Trustee Investments Act 1961, s 1. **Mason v Farbrother** [1983] 2 1078, ChD.

VENDOR AND PURCHASER
Sale of goods. *See* **Sale of goods.**

VERDICT
Generally. *See* **Criminal law** (Verdict).
Majority—
Jury. *See* **Jury** (Majority verdict).

VISITOR
Corporation—
Jurisdiction of visitor. *See* **Corporation** (Visitor—Jurisdiction).
University—
Jurisdiction of visitor—
Modern university. *See* **University** (Visitor—Modern university—Jurisdiction of visitor).

VOLENTI NON FIT INJURIA
Negligence—
Defence. *See* **Negligence** (Volenti non fit injuria).

VOLUNTARY WINDING-UP
Company. *See* **Company** (Voluntary winding-up).

WAIVER
Breach of contract. *See* **Contract** (Breach—Waiver).

WANT OF PROSECUTION
Arbitration—
Practice. *See* **Arbitration** (Practice—Want of prosecution).

WAR
Frustration of contract. *See* **Contract** (Frustration—War).

WARD OF COURT
Local authority—
Child in care. *See* **Child** (Care—Local authority—Wardship proceedings).
Practice—
Parties to proceedings—
Ward seeking to make undesirable association with another person—Other person not to be party to originating summons but defendant in summons for injunction or committal—Other person to be given time to obtain representation—Title to proceedings. **Practice Direction** [1983] 2 672, FamD.
Welfare report. *See* **Child** (Welfare—Welfare report).
Removal of ward from jurisdiction—
Generally. *See* **Minor** (Removal outside jurisdiction).

WARRANT
Distress—
Non-payment of rates—
Jurisdiction of magistrates. *See* **Magistrates** (Jurisdiction—Warrant for distress for non-payment of rates).

WATER AND WATERCOURSES
Depth of water—
Right to particular depth of water—
Plaintiffs owners of jetties in river—Jetties used for loading and unloading vessels—Jetties used and maintained under licences granted by river authority—Local authority building ferry terminals on river with river authority's approval—Terminals causing siltation of river bed and preventing plaintiffs from using jetties—Whether plaintiffs having right under contract, negligence or private nuisance to particular depth of water in river—Port of London Act 1968, s 66(1)(*b*). **Tate & Lyle Industries Ltd v Greater London Council** [1983] 1 1159, HL.
Navigation—
Public right of navigation—
Public nuisance—Interference with public right of navigation causing particular damage to plaintiffs—Whether interference with public right of navigation giving right of action in public nuisance. **Tate & Lyle Industries Ltd v Greater London Council** [1983] 1 1159, HL.
Reparian rights—
Extent—
Maintenance of depth of water—Obstruction of right of navigation—Plaintiffs owners of jetties on bank of river—Local authority building ferry terminals on river—Terminals causing siltation of river bed—Whether siltation interfering with plaintiffs' riparian rights—Whether jetties capable of attracting riparian rights. **Tate & Lyle Industries Ltd v Greater London Council** [1983] 1 1159, HL.

WEAPON
Offensive weapons. *See* **Criminal law** (Offensive weapons).

WEIGHTS AND MEASURES
Weighing or measuring equipment for use for trade—
Offences—
Having possession for use for trade any false or unjust measuring equipment—Measuring equipment used for sale of intoxicating liquor—Measuring equipment not under control of licensee and supplied and maintained by another—Licensee forbidden to interfere with or adjust measuring equipment—Measuring equipment defective—Licensee not knowing or suspecting that measuring equipment defective—Whether licensee having 'in his possession' defective measuring equipment—Weights and Measures Act 1963, s 16(1). **Bellerby v Carle** [1983] 1 1031, HL.

WELFARE REPORT
Child—
Practice.—
Family Division. *See* **Child** (Welfare—Welfare report).

WIFE
Financial provision—
Summary proceedings. *See* **Husband and wife** (Summary proceedings—Financial provision).

WILL
Construction—
Intention of testator—
Holograph will excluding testatrix's husband from sharing in estate—Whether husband validly excluded from taking under will and also on resulting intestacy—Whether exclusion of husband operating as gift by implication of husband's share to persons entitled to the estate on the intestacy. **Re Wynn (deceased), Landolt v Wynn** [1983] 3 310, ChD.
Mental patient—
Execution of will. *See* **Mental health** (Patient's property—Execution of will).
Soldier's or mariner's privileged will—
Seaman at sea—
Document made in contemplation of voyage—Seaman ashore on leave not under orders to sail—Seaman executing document while a minor and without attestation—Whether seaman in contemplation of voyage when orders merely expected—Whether seaman 'mariner or seaman at sea'—Wills Act 1837, s 11. **Re Rapley's Estate, Rapley v Rapley** [1983] 3 248, ChD.

WINDING-UP
Company—
Compulsory winding-up. *See* **Company** (Compulsory winding-up).
Generally. *See* **Company** (Winding-up).

WINE BAR
Sex discrimination—
Provision of goods, facilities or services. *See* **Sex discrimination** (Provision of goods, facilities or services—Serving drinks at wine bar).

WITHOUT PREJUDICE
Offer to submit to injunction—
Effect of offer on court's discretion as to costs. *See* **Compromise** (Offer made before hearing—Injunction).

WITNESS
Expert—
Criminal proceedings—
Hearsay. *See* **Criminal evidence** (Hearsay—Expert witness).
See **Evidence** (Expert witness).
Written statement by—
Generally. *See* **Criminal evidence** (Written statement).

WORK AND LABOUR
Duty of employee. *See* **Master and servant** (Duty of servant).
Employment—
Generally. *See* **Employment**.
Trade dispute. *See* **Trade dispute**.
Unfair dismissal. *See* **Unfair dismissal**.

WORKING PLACES
Building—
Safety requirements. *See* **Building** (Working places).

WOUNDING
Generally. *See* **Criminal law** (Wounding).

WRIT
Service out of the jurisdiction—
Generally. *See* **Practice** (Service out of the jurisdiction).

WRONGFUL INTERFERENCE WITH GOODS
Conversion. *See* **Conversion**.